EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1747. A communication from the President of the United States, transmitting estimates of appropriation for the Office of the Liaison Officer, the Division of Central Administrative Services, and the War Manpower Commission, of the Office for Emergency Management, for the fiscal year 1943, in the aggregate amount of $15,605,719, and a draft of a proposed general provision applicable to the Office for Emergency Management as a whole (H. Doc. No. 792); to the Committee on Appropriations and ordered to be printed.

1748. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1943, amounting to $175,000 (H. Doc. No. 793); to the Committee on Appropriations and ordered to be printed.

1749. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the District of Columbia for the fiscal year 1942, amounting to $87,009 (H. Doc. No. 794); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PACE: Committee on Agriculture. H. R. 7137. A bill to amend the Agricultural Adjustment Act of 1938, as amended, with respect to marketing quotas for peanuts, and for other purposes; without amendment (Rept. No. 2230). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. H. Res. 433. Resolution authorizing the House Committee on Immigration and Naturalization to make a study of the alien situation in the United States, and for other purposes; without amendment (Rept. No. 2231). Referred to the House Calendar.

Mr. DIMOND: Committee on Indian Affairs. H. R. 4635. A bill to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor; with amendment (Rept. No. 2233). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DICKSTEIN: Committee on Immigraton and Naturalization. H. R. 7225. A bill for the relief of sundry aliens; without amendment (Rept. No. 2232). Referred to the Committee of the Whole House.

Mr. KING: Committee on Immigration and Naturalization. H. R. 6350. A bill for the relief of Mrs. Gabriela Redondo Ayson; with amendment (Rept. No. 2234). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULMER:

H. R. 7222. A bill to provide that loans on the 1942, 1943, 1944, 1945, and 1946 crops of corn, wheat, rice, cotton, tobacco, and peanuts shall be made at a rate equal to the parity price; to the Committee on Agriculture.

By Mr. RAMSAY:

H. R. 7223. A bill to provide for a method of voting, in time of war, by members of the land and naval forces absent from the States of their residence and serving within the continental United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HÉBERT:

H. R. 7224. A bill to secure prompt payment and adjustment of just claims for loss of or damage to property received by laundries and dry cleaning and dyeing establishments in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NICHOLS:

H. R. 7226. A bill to amend the laws of the District of Columbia relating to the recorder of deeds; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GOSSETT:

H. R. 7227. A bill for the relief of Oscar Zimmer; to the Committee on Claims.

By Mr. NICHOLS:

H. R. 7228. A bill for the relief of Iona Cazenave; to the Committee on Claims.

By Mr. WELCH:

H. R. 7229. A bill to correct the military record of Herbert Horrell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3056. By Mr. BROWN of Ohio: Petition favoring Senate bill 860, a bill to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; to the Committee on Military Affairs.

3057. Also, petition favoring Senate bill 860, a bill to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; to the Committee on Military Affairs.

3058. By Mr. GRAHAM: Petition of 87 residents of Butler County, Pa., urging legislation to give the men in the Army and Navy the greatest possible protection against vice and liquor, and especially to ban beer and liquor from Government commissaries and the immediate vicinities of the camps; to the Committee on Military Affairs.

3059. By Mr. MICHENER. Petition transmitted by Harriet E. Brunt, of Temperance, Mich., and signed by 59 other residents of Monroe County, Mich., urging the enactment of Senate bill 860; to the Committee on Military Affairs.

3060. By Mr. RAMSAY: Petition of Mrs. Fannie Woomer, Allen S. Fields, Mrs. Clarence Robert, and other residents of Hancock County, W. Va.; Rev. A. R. Mansberger, W. W. Steel, Russell Ogg, and other residents of Hancock County, W. Va.; members of the Church of God of New Martinsville, W. Va.; and members of the Presbyterian Church of New Martinsville, W. Va., supporting House bill 3371 and Senate bill 860; to the Committee on Military Affairs.

3061. By Mr. ROLPH: Resolution of Grand Parlor of the Native Sons of the Golden West, San Francisco, Calif., relative to Japanese; to the Committee on the Judiciary.

3062. By Mr. WOLCOTT: Petition of 13 qualified voters and members of the Woman's Christian Temperance Union of Columbiaville, Mich., expressing interest in House bill 3371; to the Committee on Military Affairs.

SENATE

MONDAY, JUNE 15, 1942

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, our Father, who art man's unfailing friend, we pray that in all our thoughts and toils during this day we may have the constant inspiration and confident companionship of Thy presence.

May we daily live by that standard of the better self which Thou hast revealed in the Christ, our Lord, and help us in pure and steadfast devotion to bear witness that our spirits are akin to His spirit.

Bless our President and these, Thy servants, who are striving to open for struggling humanity the Master's way of the more abundant life, and may the social order for which we are laboring be in conformity unto His ideal of brotherhood and good will among men.

Grant that in our prayers we may remember more frequently and fervently all who are giving themselves so sacrificially for those garnered treasures of life which we are privileged to enjoy.

To Thy name shall be the praise and the glory. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 11, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on June 11, 1942, the President had approved and signed the following acts and joint resolution:

S. 244. An act for the relief of the San Francisco Mountain Scenic Boulevard Co.;

S. 1820. An act for the relief of Jerry McKinley Thompson;

S. 2037. An act for the relief of Edgar B. Dunlap;

S. 2069. An act for the relief of the Quimby-Ryan Engineering Sales Co., Inc.;

S. 2250. An act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes;

S. 2459. An act to amend the act entitled "An act for the relief of present and former postmasters and acting postmasters, and for other purposes," to permit payment of total

compensation to certain employees of the Postal Service employed in a dual capacity, and

S. J. Res. 144. Joint resolution designating June 13, 1942, as MacArthur Day, and authorizing its appropriate observance.

TRIBUTE TO GEN. CLARENCE L. TINKER

Mr. ANDREWS. Mr. President, it was announced by the Army on June 13 that its air force commander in Hawaii, Maj. Gen. Clarence L. Tinker, was lost in action in the recent battle of the Pacific off Midway Island. It is my desire, and I am sure the wish of those who best knew and admired him, that the account of his courageous deeds in the face of danger shall be recorded indelibly in the history of our Nation.

General Tinker lost his life while on a mission requiring great courage, skill, and experience. General Emmons, Military Governor of Hawaii, and commander of the Hawaiian Department, stated yesterday that because General Tinker would not ask his subordinates to undertake risks he himself would not take, he selected himself as flight leader of an important combat mission. He died knowing that he had an important part in winning a great naval victory. His leadership was an inspiration to his command, and his loss a deep personal one to all who knew him.

One is more impressed as he reviews General Tinker's career when he reflects that he was part Osage Indian. He was born in Oklahoma, and was a graduate of the Wentworth Military Academy at Lexington, Mo. At an early age he entered the Army, where he served almost continually until his death. He was 54 years of age, and was the first American general reported lost in action since we went to war, after Pearl Harbor.

I knew General Tinker personally, and was with him and participated in the ceremonies at the commissioning of MacDill Field at Tampa, Fla., on which occasion he presided. Soon thereafter he was named to command the third interceptor command at Drew Field, Fla., and little more than a month later was ordered to Hawaii, after the tragedy of Pearl Harbor.

He was a man of few words, and always had a pleasant smile. He had eyes like the bald eagle, and led his squadron of flying fortresses into the battle where he fell knowing the seriousness of his mission. He fell in one of the most dramatic sea and air battles in history, and died as he would have desired.

The Associated Press account of the deeds and death of General Tinker appeared in the Washington Post on June 14, and I ask that it be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAWAIIAN AIR FORCE CHIEF IS LOST IN BATTLE

(By William F. Frye)

The Army announced yesterday that its Air Force commander in Hawaii, Maj. Gen. Clarence L. Tinker, was lost in action in the mid-Pacific battle of Midway Island 5 days ago.

A remote possibility existed that Tinker and the crew of his plane might still be alive, but the War Department said the ocean area in which they disappeared had been searched thoroughly without finding a trace of the plane or its occupants.

As the beaten Japanese Fleet retreated from its disastrous attack on Midway, Tinker led a flight of his Army bombers from that Pacific outpost June 7 to attack the enemy east of Wake Island. When last seen by men in other planes of the formation, the general's bomber was descending rapidly.

Tinker, 54, was the first American air general reported lost in action since the war started, although two others, Maj. Gen. Herbert Dargue and Brig. Gen. Harold H. George, died in accidents, the latter in Australia.

NATIVE OF OKLAHOMA

Part Indian, and a native of Oklahoma, Tinker had commanded the Army Air Forces in Hawaii since shortly after the Japanese attacked Pearl Harbor December 7. When Lt. Gen. Delos C. Emmons, also an air officer, was ordered to replace Lt. Gen. Walter C. Short in command of the Hawaiian Department, Tinker accompanied him as air commander, relieving Maj. Gen. Frederick L. Martin.

After graduation from the Wentworth Military Academy at Lexington, Mo., in 1908, Tinker entered the Philippine constabulary as a second lieutenant. Four years later he was commissioned in the Regular Army as an Infantry officer, remaining in this branch of the service until 1920, when he enrolled in the flying school at March Field, Calif.

In 1926 he went to London as assistant military attaché, and while there was injured in the crash of a plane, which burst into flames. Despite his own serious injuries he rescued his companion, a naval officer, trapped in the flaming cockpit, and was awarded the soldier's medal for heroism.

SERVED IN OTHER POSTS

In 1927 he returned to the United States for duty in the office of the Chief of the Air Corps, later going to Kelly Field, Tex., as assistant commandant of the advanced flying school.

Tinker became chief of the aviation division of the National Guard Bureau in Washington in February 1937. Subsequently he served as commanding officer of the Twenty-seventh Bombardment Group at Barksdale Field, La., and as base commander at MacDill Field, Fla.

Last November 6 he was named to command the Third Interceptor Command at Drew Field, Fla., and a little more than a month later was ordered to Hawaii.

GENERAL TINKER DIED ON IMPORTANT MISSION

HONOLULU, June 12.—Maj. Gen. Clarence L. Tinker, commander of the Hawaiian air force, lost his life while on a mission requiring "great courage, skill, and experience," Lt. Gen. Delos C. Emmons said today.

General Emmons, Military Governor of Hawaii and commander of the Hawaiian Department, issued this statement:

"The entire Hawaiian Department mourns the loss of Major General Tinker and his gallant crew.

"Because General Tinker would not ask his subordinates to undertake risks he himself would not take, he selected himself as flight leader of an important combat mission requiring great courage, skill, and experience.

"He died knowing that he had had an important part in winning a great victory. His leadership was an inspiration to his command, and his loss is a deep personal one."

The Army listed the following as members of General Tinker's crew (addresses not available):

Capt. Raymond Salyarulo, First Lt. Gilmer H. Holton, Jr., Second Lt. Walter E. Gurley, Sgt. Arond Shank, Technical Sgt. James M. Turk, Corp. Will J. Wagner, Sgt. Thomas E. Ross, Sgt. Franz Moeller, Sgt. George D. Schied.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the 11th instant,

The following message from the House of Representatives was received by the Secretary of the Senate during the adjournment:

That the House had insisted upon its amendments to the bill (S. 2467) to provide family allowances for the dependents of enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. HARTER, Mr. ANDREWS, and Mr. ARENDS were appointed managers on the part of the House at the conference.

That the House had passed a joint resolution (H. J. Res. 324) making appropriations for work relief and relief for the fiscal year ending June 30, 1943, in which it requested the concurrence of the Senate.

OPERATIONS UNDER THE LEND-LEASE ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 789)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, transmitted to the Secretary of the Senate on June 12, 1942, under authority of section 5 of Public Law No. 11, Seventy-seventh Congress, which, with the accompanying document, was referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

This is the fifth 90-day report to the Congress on operations under the Lend-Lease Act.

For the 3 months ending May 31, 1942, lend-lease aid amounted to more than $1,900,000,000. For the 15-month period from March 1941 through May 1942 aid totaled $4,497,000,000 in goods and services. We are now making aid available at a monthly rate equivalent to $8,000,000,000 per year.

Dollar figures do not portray all that is happening. The Congress has wisely set few limits to the types of aid which may be and are being provided. Food—over 5,000,000,000 pounds—and medicine have helped to sustain the British and Russian and Chinese peoples in their gallant will to fight. Metals, machine tools, and other essentials have aided them to maintain and step up their production of munitions. The bombardment planes and the tanks which were ordered for them last spring and summer are now putting their mark on the enemy. The British pilots trained in this country have begun their work at Cologne and Essen.

And lend-lease is no longer one way. Those who have been receiving lend-lease aid in their hour of greatest need have taken the initiative in reciprocating. To the full extent of their ability they are supplying us, on the same lend-lease basis, with many things we need now. American troops on Australian and British soil are being fed and housed and equipped in part out of Australian and British supplies and weapons. Our allies have sent us special machine tools and equipment for our munitions factories. British antiaircraft guns help us

to defend our vital bases, and British-developed detection devices assist us to spot enemy aircraft. We are sharing the blueprints and battle experience of the United Nations.

These things, invaluable as they have proven, are not the major benefit we will receive for our lend-lease aid. That benefit will be the defeat of the Axis. But the assistance we have been given by our partners in the common struggle is heartening evidence of the way in which the other United Nations are pooling their resources with our own. Each United Nation is contributing to the ultimate victory not merely its dollars, pounds, or rubles, but the full measure of its men, its weapons, and its productive capacity.

Our reservoir of resources is now approaching flood stage. The next step is for our military, industrial, and shipping experts to direct its full force against the centers of enemy power. Great Britain and the United States have together set up expert combined bodies to do the job, in close cooperation with Russia, China, and the other United Nations. They are equipping the United Nations to fight this world-wide war on a world-wide basis. They are taking combined action to carry our men and weapons—on anything that will float or fly—to the places from which we can launch our offensives.

By combined action now we can preserve freedom and restore peace to our peoples. By combined action later we can fulfill the victory we have joined to attain. The concept of the United Nations will not perish on the battlefields of this terrible war. It will live to lay the basis of the enduring world understanding on which mankind depends to preserve its peace and its freedom.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 11, 1942.*

JOURNALS OF THE SENATE AND HOUSE, LEGISLATURE OF THE TERRITORY OF HAWAII

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Hawaii, transmitting through the Governor of Hawaii and the Department of the Interior, copies of the Journals of the Senate of the Legislature of the Territory of Hawaii, regular session of 1941, and of the House of Representatives, regular and special sessions of 1941, which, with the accompany documents, was referred to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate or presented, and referred as indicated:

By the VICE PRESIDENT:

A paper in the nature of a petition from a citizen of Oakland, Calif., praying for the enactment of legislation granting increased compensation to postmen; to the Committee on Post Offices and Post Roads.

Petitions of sundry citizens of Cuba and Hinsdale, N. Y., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mrs. CARAWAY:

Petitions, numerously signed, by sundry citizens of Stuttgart, Ark., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. TYDINGS:

Petitions of sundry citizens of the State of Maryland, praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. CAPPER:

Petitions, numerously signed, of sundry citizens of McCune, Osage City, and Barber County, Kans., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

GOVERNMENTAL ECONOMY AND ALL-OUT WAR PRODUCTION—PETITION

Mr. CAPPER. Mr. President, I present and ask unanimous consent to have printed in the RECORD, without all the signatures attached thereto, and appropriately referred, a petition signed by numerous citizens of Arkansas City, Kans., urging economy in Government and all-out war production through the cooperation of all concerned.

There being no objection, the petition was referred to the Committee on Education and Labor and ordered to be printed in the RECORD without all the signatures attached, as follows:

WASHINGTON, D. C.

To the Senators and Representatives from Kansas.

GENTLEMEN: We, the undersigned citizens and taxpayers of Kansas, address this letter to you because at the present time we feel deeply alarmed over the safety of our country. You are our legally elected representatives and alone possess the power to voice our sentiments in the councils of the Nation. This being the case, we want you to know how we feel about certain things.

First. We feel that both Congress and the President have been too slow to settle the labor question. We want every factory in America to work 7 days a week and 7 nights a week in order to produce ships, guns, tanks, planes, and other supplies that are needed by our armed forces. No individual or group is bigger than the Nation as a whole, and we think that the Government should establish fair and honest wage levels, stop all strikes, and see to it that all important industries work to the limit of their capacity.

Second. We think that all the money necessary to carry out a successful war should be appropriated and spent in a proper manner, but we think all unnecessary expenses should be immediately curtailed or abolished. We are perfectly willing to give up all we possess to win this war, but we do not consider it patriotic or even sensible to waste money on nondefense projects which could be dispensed with.

Third. We think that any individual, no matter how big or little, who hinders the successful organization of the entire force of this Nation against its enemies should be promptly removed from office. We want speed. The Germans and Japs are conquering the world faster than anyone ever dreamed was possible.

At a time like this we expect you to be true leaders and not politicians. Instead of the Government wanting the people to wake up, we, the people, want the Government to wake up. Our enemies say this is a war to the death. If so, we do not propose to be the side which dies.

In the name of our loved ones and of our country, we sign:

C. H. SANDERSON,
M. S. SINER,
N. J. REYNOLDS,
(And sundry other citizens, all of Arkansas City, Kans.)

RATIONING OF GASOLINE AND COLLECTION OF SCRAP RUBBER

Mr. CAPPER. Mr. President, I regard it as extremely fortunate that the protests against the untimely, unnecessary, and arbitrary proposed rationing of gasoline in the midcontinent and Southwest have resulted in the postponement of such rationing at least until some investigations can be made as to the need for it.

Also, I desire to call attention to the fact that the introduction of the bill S. 2560 by the Senate Small Business Committee, of which I am a member, has resulted in a Nation-wide drive to collect scrap rubber for reclamation and use. This measure, we believe, will furnish the machinery to keep tires on 20,000,000 civilian automobiles which are absolutely necessary in order to keep our domestic economy functioning behind the war effort.

It is my belief, Mr. President, that these protests and this action by the Senate Small Business Committee have been largely instrumental in bringing more sanity into the rationing program, which was getting far beyond the needs of the present situation by neglecting to discover what supplies are and could be made available.

In this connection I ask unanimous consent to have printed in the RECORD at this point and appropriately referred statements and resolutions from the chambers of commerce of the following Kansas cities: Newton, Arkansas City, Coffeyville, and El Dorado. These cities are in the center of the oil fields of the midcontinent and are familiar with conditions there. I bespeak the attention of the Senate to these statements in opposition to unnecessary gasoline rationing.

There being no objection, the statements and resolutions were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

NEWTON CHAMBER OF COMMERCE,
Newton, Kans., June 9, 1942.

RESOLUTION OF THE LEGISLATIVE COMMITTEE OF THE NEWTON CHAMBER OF COMMERCE

Be it resolved by the legislative committee of the Newton Chamber of Commerce, That the Office of Price Administration has under consideration the matter of rationing the consumption of gasoline in the Middle West.

1. We, as a chamber of commerce, earnestly oppose gasoline rationing in the Middle West because the extent of the damage which might be unwittingly done to the war effort by crippling of midwestern refineries and the

consequent curtailment of Middle West production is apparent when we consider the extent of oil production in this area. The States of Kansas, Oklahoma, Nebraska, Texas, Arkansas, Mississippi, Louisiana, Illinois, and Indiana produce about 2,600,000 barrels of oil per day. The total production of oil in the United States is about 3,600,000 barrels per day.

2. The curtailment of the sale of gasoline will seriously affect an important source of revenue to the State and National Governments. The total State revenue of Kansas is $35,000,000 per year. Of this, the gasoline tax furnishes $11,000,000.

3. When the rationing of gasoline results in the shutting down of refineries, as it will do, this means in turn a decreased production of oil. Storage facilities for crude oil are not sufficient to permit the continued operation of wells which are unable to dispose of their oil.

Oil is one of the most necessary products for the successful prosecution of the war effort. Unless great care is exercised in the regulation of all matters affecting its production, the United States may find itself confronted with an oil shortage at the most critical time in the further progress of the war.

4. It is said that the object of gasoline rationing in the Middle West would be to conserve rubber. The only rubber it would be necessary to conserve would be the rubber on the cars now in use. But time is an important factor in our present war effort, and we believe it is far more important that our refineries should continue to produce the necessary fuel oil to keep necessary war industries in operation and furnish the Army and Navy with the gasoline and fuel oil which they need so desperately than it is to consider what we are going to do when all the tires are worn out. A very large number of vehicles are equipped with rubber which will last them for at least 2 years.

If it is necessary to place further restrictions upon the use of motor vehicles we believe that a national speed limit of 40 miles per hour would go a long way toward preserving the rubber on motor vehicles now in use, and while it would to some extent curtail the consumption of gasoline, we do not think that the results would be so disastrous as those which would be produced by rationing gasoline.

5. We endorse the statement issued by Frank Phillips, general chairman of the petroleum industry for district No. 2, appointed by Petroleum Coordinator for War Harold L. Ickes, which was issued from Chicago on May 24, 1942, and which discusses this matter.

We urge that the most serious consideration be given to the matters suggested herein by the Office of Price Administration and all other agencies of the Government which are in any way concerned with the matter; Be it further

Resolved, That copies of the resolution be forwarded to the President of the United States, the Office of Price Administration, War Production Board, Joseph B. Eastman of the Office of Defense Transportation, Hon. Harold L. Ickes, Members of Congress from Kansas, and Governor Ratner.

NEWTON CHAMBER OF COMMERCE
LEGISLATIVE COMMITTEE,
J. RODNEY STONE, *Chairman*.
FRED ICE.

ARKANSAS CITY CHAMBER OF COMMERCE,
Arkansas City, Kans., June 11, 1942.

Senator ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.

MY DEAR FRIEND ARTHUR: We gather through the newspapers and radio that there is an attempt being made to ration gasoline throughout the Middle West in the near future.

Of course, we people out in the oil-producing centers realize that such legislation would be very injurious as well as inconvenient, to our section of the country. While shipping has been badly handicapped to the eastern centers we can readily see why it was necessary to ration gasoline in those districts, but we see no reason why our refineries and oil-producing institutions in the Middle West should be brought under the same restrictions when our wells are shut in and the storage capacity full and running over.

I am sure that this letter is not necessary, as you have the same information as we, and trusting and feel sure you are doing everything to care for our interests when the time comes. While I have been requested to forward this communication, that your attention might be brought to the matter, I am thoroughly convinced that you understand our problem better than I.

Yours very respectfully,
ARKANSAS CITY CHAMBER OF COMMERCE,
W. F. WALKER, *Secretary*.

COFFEYVILLE CHAMBER OF COMMERCE,
Coffeyville, Kans., June 11, 1942.

Hon. ARTHUR CAPPER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR CAPPER: The special gas rationing committee of the Coffeyville Chamber of Commerce has prepared the following statement of policy representing our views regarding the proposed national gas rationing program.

"We do not see any occasion for the rationing of gasoline in the Central, Midwest, and Southwest sections of the United States. We have an oversupply of gasoline and the theory that rationing gasoline in these areas will save rubber is all 'bunk.' We hope you will use your influence to keep gasoline rationing from being extended."

This statement and letter was authorized by a unanimous vote of the board of directors of the Coffeyville Chamber of Commerce on June 11, 1942.

Very truly yours,
COFFEYVILLE CHAMBER
OF COMMERCE,
D. A. WILLBERN, *President*.
A. R. LAMB,
Chairman, Special Gas
Rationing Committee.
ELTON WEEKS, *Manager*.

CHAMBER OF COMMERCE,
El Dorado, Kans., June 5, 1942.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: The matter of rationing the consumption of gasoline in the Middle West oil-producing States was considered at a meeting of our board of directors today.

Our board is unanimously of the opinion that such restrictions for this area are not necessary or desirable. They have instructed me to convey to you an expression of their approval of your action in opposing the gasoline rationing in Kansas. They urge your continued opposition to this proposal.

Again with our appreciation and thanks for all you are doing, we are

Sincerely yours,
EDGAR GOLDEN,
Secretary of El Dorado
Chamber of Commerce.

CONSERVATION OF RUBBER TIRES—BY RATIONING

Mr. LANGER. Mr. President, I present a resolution adopted by members of the Farmers' Union, Bowen Local, No. 1168, Cogswell, N. Dak. I ask unanimous consent that the resolution may be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

COGSWELL, N. DAK., *May 29, 1942.*

Hon. WILLIAM LANGER.

GENTLEMAN: We, Farmers' Union members of the Bowen Local, No. 1168, at a regular meeting held on May 19, 1942, discussed the tire rationing as it affects us farmers here in North Dakota, as it is getting more serious every day. We fully realize that the Government needs rubber and must have it. We realize the position the rationing boards are in, and they are having a tough job of it, and they are doing the best they can and to the best of their judgment. We also are in agreement that tire rationing is the only way to conserve rubber and make it last longer. It is the only thing to do, but putting all the farmers in the United States in one class is going to work injustice in many places, and especially here in North Dakota.

Now, do not get us wrong. We do not intend to belittle the small farmers in the South and East where they farm from 20 to 60 acres apiece, which is just a mere patch out here; where they are not raising the amount of foodstuff we are, and especially flax; where they live possibly only 4 or 5 miles from town where they market their products; where one truck could haul all the produce out of a whole community in a few short trips; where they have better communications and are living closer together they can many times double up and get by with the rubber rationing without much hardship or delay that would not only be costlier but in many instances disastrous out here. Here in the Northwest, take North Dakota for example, where the average farm is over 500 acres apiece, where we live as high as 25 miles from where we get parts for our machines, which is mighty urgent at times, and also the same distance to market our produce in many places; where we market many thousands of bushels of grain apiece, and thousands of pounds of cattle, likewise hogs, and that holds true in regard to dairy and poultry products—and what have you—where in thousands of instances there is not a horse on the place but the chore team and the majority of them are way past the useful age; where 1 man today is producing as much as 5 men did 20 years ago; where just 3 men today, with a modern combine of a good size, will go out and harvest and thresh as much in 1 day as 20 men did just 15 years ago; where we are producing foodstuff, not only for ourselves, but for millions of others as well, and especially so with flax, which is very vital to our Government. We are all short-handed, working in many instances night and day—Sundays as well as Mondays. We are not asking overtime or double pay. Now understand, we are not slapping the factory worker by that remark. They are doing a good job. Out here when the work is being done it has to be done with a certain amount of speed or in many instances it wouldn't get done at all. Now do not get this wrong. We are not quibblers or quitters. We stand ready to do the job and we have been doing our level best, but we just can't do it on foot or horseback. It takes a certain amount of rubber.

Now be it

Resolved, That the tire rationing be done according to the size of the individual farm unit and in accordance with the amount of produce raised or marketed. And let it also be resolved that if there is rubber for beer trucks, coca-cola trucks, busses hauling dance band orchestras around, rubber for a half dozen bread trucks serving these towns where one could do the job as well, and a lot of tires for pleasure cars and pleasure driving in the bigger cities—and what have you—there certainly should be tires for the farmers' trucks, and also for their cars. The latter is used for business 90 percent of the

time, which many times includes their only means of marketing what they produce by pulling a trailer and hauling out supplies. This latter statement may be questioned, but in checking you will find the figures very close. Now we believe that those of us who are producing the very necessities of living and producing it in the volume we are, in all fairness to us we should be given a priority or a higher rating than we have at the present time. We may also add that to alleviate the labor shortage, take these men off these vehicles heretofore mentioned and put them doing something. They would never whip the Japs or Germans with what they are doing if they drove those vehicles for a thousand years. We do not care if their ages are 16 or 60.

We recommend that a copy of this resolution be sent to our Governor, to our Congressmen, our Senators, and also to the National Rationing Board.

OSCAR WAHLUND,
President, Bowen Local.
EMIL BENTSON,
WALTER ORTH,
REX BELL,
VICTOR ANNEN,
RUDOLPH ORTH,
Resolution Committee.

REPORTS OF THE COMMITTEE ON THE JUDICIARY

The following reports of the Committee on the Judiciary were submitted:

By Mr. VAN NUYS:

S. 2579. A bill to facilitate the disposition of prizes captured by the United States during the present war, and for other purposes; without amendment (Rept. No. 1488).

By Mr. MURDOCK:

S. Res. 237. Resolution providing for an audit of the accounts of the Cherokees for lands sold to the United States under the treaty of 1846; with an amendment (Rept. No. 1489).

SPECIAL ASSISTANT TO COMMITTEE ON MILITARY AFFAIRS

Mr. LUCAS. Mr. President, as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably from that committee without amendment Senate Resolution 247 and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 247) submitted by Mr. REYNOLDS on May 14, 1942, was read as follows:

Resolved, That the Committee on Military Affairs hereby is authorized to employ, during the fiscal year beginning July 1, 1942, a special assistant to be paid at the rate of $3,300 per annum from the contingent fund of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and, without objection, the resolution is agreed to.

THE DISADVANTAGED STATUS OF UNORGANIZED LABOR IN CALIFORNIA'S INDUSTRIALIZED AGRICULTURE (PT. 3 OF REPT. 1150)

Mr. LA FOLLETTE. Mr. President, from the Committee on Education and Labor, pursuant to Senate Resolution 266, Seventy-fourth Congress, I submit part 3 of a report on employers' associations and collective bargaining in California, which deals with the subject of the disadvantaged status of unorganized labor in California's industrialized agriculture.

Mr. President, I ask that a short digest of this part 3, which will include some of the salient excerpts from the report, be printed as a part of my remarks, so that the Members of this body may have a readily available outline of the subject matter to be covered in this part of the report.

The volume submitted today is the third of a 10-part report based upon field investigations which were the last of the committee's 4-year inquiry. Subsequent parts will be tendered as they become available from the Printing Office. The volume submitted today is a 250-page analysis of the status of agricultural labor in California, and particularly that group which operates on a seasonal, part-time, casual, or migratory basis in the great industrialized portions of California's agriculture. Later parts of the committee's report will deal with individual and specific violations of the civil rights of these people to organize and bargain collectively and exercise their rights of free speech and assembly in connection therewith. This part of the report, however, deals with the more significant, economic, and social background out of which these specific difficulties arose.

Collective bargaining cannot flourish or function effectively where there is a complete lack of status in the economic or social position of labor and a thoroughly disorganized system of employer-employee relationships. The committee felt that any investigative approach to the problem of protecting agricultural labor's rights of association and collective bargaining that was not accompanied by an exploration of related intelligent and constructive public policies would be an inadequate treatment of this subject. The part of the report submitted today contains not only the results of this economic and social survey but also the committee's conclusions on the appropriate public policies which should be promoted to alleviate that situation.

The VICE PRESIDENT. The report submitted by the Senator from Wisconsin will be received and printed, and the digest presented by him will be printed in the RECORD.

The digest is as follows:

DIGEST OF PART III OF SENATE REPORT 1150 (77TH CONG., 2D SESS.)

A new long-term national policy for the treatment of the Nation's millions of agricultural laborers and their families was proposed in a report filed today with the United States Senate by the subcommittee of the Senate Committee on Education and Labor, composed of Senator ROBERT M. LA FOLLETTE, Jr., of Wisconsin, and Senator ELBERT D. THOMAS, of Utah. In the report, the third of a series based upon the committee's prewar investigation in California, it was recommended that this new public policy "assure the enjoyment of the same rights, standards of living, and status to labor in California's agricultural industry as is afforded by our laws and customs to other labor."

The report was a 250-page analysis of the unfortunate plight of labor in what the committee described as California's "industrialized agriculture." It included a detailed account of a half century of economic misery and repression for the California agricultural wage laborer, attributing this situation in part to their inability to exercise effectively their rights of free speech, association, and collective bargaining. In this connection the committee stated:

"The committee believes that this labor problem in California's industrialized agriculture, so described and analyzed, in part is attributable to the absence of the effective exercise of political and economic rights by the agricultural laborers involved, which has resulted in their having little or no voice in fixing the terms, conditions, and techniques of employment. That the employers and their associations have a complete monopoly in controlling labor relations is the most important, but often obscured, aspect of California's agricultural labor problem. There has been little pressure to adjust the disadvantages of labor's position. The potentialities of employee association and collective bargaining and the application of accepted labor legislation is sometimes passed over even by economic theorists and social workers. Too often it has been the tendency to confine suggested measures of solution to raids on the taxpayers' purse or the stimulation of employer sentiment to put their house in order. This recourse to theories and practice of paternalism rather than economic and industrial democracy has resulted in years of futile and feeble efforts to solve this situation.

"Employee organization and collective bargaining are more than a means of promoting industrial peace and avoiding strikes. The right of workers to associate themselves together in a lawful effort to better their economic, social, and political status is more than an abstract civil liberty. It has a fundamental bearing upon the economic, social, and political welfare of the people to whom the right is confided by our institutions of law and government. It is by the exercise of that civil right that the workers' disadvantaged status may be corrected and their relationship with employers and the agencies of government adjusted to provide better opportunities for living" (p. 157).

One of the significant features of the report was the committee's conclusion that the protection of civil rights of this laboring group must include a complete rehabilitation of its economic, social, and political status. After a painstaking examination of the system of agriculture characteristic of California and its similarity to the industrial pattern, the committee's report recounted the characteristics of employment and the mode of living apparent from its observations of the California agricultural scene. The unhappy relationship between the level of annual wages for agricultural laborers and health and decency budgets was only one factor. In addition to this disadvantage, the committee's report developed the following phases of the California agricultural labor problem: The absence of job security, underemployment, oversupply, unfair competition from relief and joint labor, low hourly wage and piece rates, the absence of a fair and democratic procedure for negotiating wages, the lack of social security, bad housing and dependence upon private labor camps by migratory workers, the lack of adequate medical attention for migratory farm workers, the lack of educational advantages for children of agricultural workers, inadequate protection from industrial accidents, the absence of minimum-wage and maximum-hour regulations for agricultural workers, the lack of any voice to agricultural workers in the method of payment and determination of working conditions, the abuses of the labor-contractor device, and, finally, the comparatively unorganized status of agricultural labor with the accompanying lack of any legal protection of their right to organize and bargain collectively.

Promising to explore in subsequent reports the overt acts of violation of civil rights and

the organized attempts to obstruct the development of collective bargaining in this field, the committee addressed its conclusions in the current report to these related phases of the problem, saying:

"Any thorough attempt to solve California's agricultural labor problem must include the elimination of 'undue interference' with employee organization and collective bargaining. But a verbal chastisement of those responsible for these interferences will not suffice. Collective bargaining cannot flourish or function effectively at a given instant where there is weakness in economic and social position of the workers, economic desperation on the part of employers and employees alike, and a thoroughly disorganized system of employer-employee relationships. The solution to California's agricultural labor problem must include the protection of labor's rights of association and collective bargaining, but that protection must be accompanied by other intelligent and constructive aids from the public, the employers, and the various agencies of government. There must be an appraisal of relevant social legislation which might be rationally extended to cover certain classes of agricultural employers and employees. There must be an evaluation of the public aid which might be employed, at least over a substantial period of adjustment, to alleviate the unhappy economic and social aspects of the present situation, until the employer-employee relationship in agriculture is stabilized and provides a respectable livelihood and status for the agricultural laborer" (p. 158).

In following out this approach it was announced that:

"This committee has reached the definite conviction that it is the present responsibility of our Government, Federal, State, and local, to make democracy work in California's industrialized agriculture. A program of definite content, including a well-rounded and cohesive group of legislative and executive measures, is necessary" (p. 394).

The report expressed the view that such a corrective program should be launched at the present time in order to alleviate the problem exemplified by the wandering "Okies" in the years preceding the war and threatening again in any post-war period. Defending this position, it was stated:

"This decade may be a decisive one for democratic rights here at home. In the midst of a vast international effort to defend democratic institutions, the Nation cannot ignore the plight of those within our own borders who are outside the pale of economic democracy. The battle to extend democratic standards of human relationships must be waged here as well as abroad. The civil rights of agricultural labor in California to speak freely of its problems, to assemble, organize, and bargain collectively do not now exist because of its highly disadvantaged status" (p. 394).

The essential elements of the new public policy proposed by the committee's report, insofar as it was derived from the analysis of California's agricultural labor problem, included:

(1) Legislation protecting the rights of agricultural labor to organize and bargain collectively.

(2) Legislation providing for the decasualization of the agricultural labor market, through a public employment exchange clothed with powers adequate—

(a) To lengthen the period of annual employment for regular farm laborers.

(b) To concentrate scattered employment on the smallest number of workers.

(c) To provide job security and seniority for regular laborers.

(d) To regulate the flow of employment.

(e) To reduce or eliminate unnecessary migration of farm labor and encourage migration related to the foregoing purposes.

(3) Legislation regulating the private recruiting of agricultural labor, interstate and intrastate.

(4) Legislation regulating the use of children as agricultural wage laborers away from the family farm. A bill (S. 2057) amending the Fair Labor Standards Act to accomplish this purpose has already been introduced in the Senate by Senator LA FOLLETTE and Senator THOMAS.

(5) Legislation extending the benefits of social security, both old-age and unemployment, to agricultural labor in "industrialized agriculture."

(6) Legislation extending minimum-wage and maximum-hour laws to cover agricultural labor in "industrialized agriculture."

(7) Legislation establishing a system of agricultural wage boards for the purpose of determining fair wages for the employment of labor in "industrialized agriculture."

(8) The expansion of housing programs for agricultural labor now conducted by the Farm Security Administration primarily in the direction of a "labor home" program.

(9) An expansion of the health and medical cooperative work of the Farm Security Administration.

(10) An extension of workmen's compensation laws to cover employment in "industrialized agriculture."

(11) The planning of a national program of full employment, taking into account not only the idle wage earners but also the plight of those whose unemployment is disguised by their apparent subsistence on an inadequate plot of land. It is this group that, in periods of national depression, floods the agricultural labor market, bringing increased misery to themselves and those already employed as agricultural laborers.

(12) The administration of reclamation and public-land projects to provide an outlet for rural population surplus that may follow a decasualization of the agricultural labor market in the western areas or the further dispossession of small farmers in the States to the East.

While the committee's report was devoted to the agricultural labor problem and policies in the State of California, it asserted that, "There are developing counterparts in other regions of the Nation." Referring to its observations on the national scene subsequent to the California inquiry, the committee stated:

"The threatened break-down of the family farm system in many of its strongholds seems to indicate that the pattern of agricultural labor problems that marks California will become dominant elsewhere. In the wake of large-scale operation, specialization of function, mechanization and multiple or chain farming, there is coming to our national agriculture the labor problems that an industrial revolution produces" (p. 398).

The report, while noting that similar patterns of agriculture were developing in many other areas of the Nation, drew a sharp distinction between the so-called industrialized agriculture and the family farm system which it asserted was commonly but erroneously held up as the background of any farm labor question. The distinction was drawn in these terms:

"The development of large-scale agricultural operations, sometimes highly specialized, requiring large outlays of capital and the employment of gangs of wage labor, oftentimes on a seasonal, periodic, intermittent, and casual basis, has resulted in a departure from the usual ties between the land and those who tend and cultivate it. Indeed, it has produced employer-employee relationships markedly different from the close personal tie between the traditional farmer and his hired man. The relationship between employers and employees in California more generally approaches the industrial or factory pattern but, as will be shown, without the usual and ordinary safeguarding of the rights and welfare of the wage earner which is common in other industries. This pattern of industrial operation has grown to a remarkable degree in California, but it is of more than purely local significance because the development of similar patterns in other sections of the Nation is becoming apparent.

"Throughout this report the characterization of California agriculture as industrialized is intended to give emphasis to the existence of large-scale operations, the high degree of concentration of ownership, the dominance of large employers in terms of production and payments for labor, and the use of gangs of workers by a single employer on a factory pattern, sometimes with a considerable division of labor. The term has come into increasing use as students in the field of agriculture and agricultural labor explore the role of large employers who are engaged in farming as a business rather than as a "way of life" (p. 161).

The continued emphasis which the report made on the point that a large amount of agricultural production was carried on by large or commercial farm operators, frequently incorporated, who employ large amounts of wage labor on a basis similar to that in industry, indicated that the committee saw no particular problem in the relationships between the average working farmer and his hired man. Indeed, at one point the report stressed the fact that even in California at least one-half of the farm operators either hire no labor or hire it in such small amounts that their true economic interest is more in higher than in lower wage rates for the agricultural workers, with whom they must necessarily work in competition. Pointing out the relatively large number of agricultural wage workers and small working farmers, whose returns for their own work were necessarily tied to the costs of hired labor on the larger competing farms, the committee concluded that—

"Indeed, the welfare and future of perhaps as many as nine-tenths of those whose livelihood comes from the agricultural industry of California may be said to be directly dependent upon the type of employer-employee relationships which prevails there.

"The national implications of this analysis are clear. The existence of industrialized agriculture in any substantial form, with possibilities for growth because of inherent economic and mechanical advantages, makes it necessary to determine the adjustments which will permit employers and employees in the industry to live and let live in some degree of peace and prosperity. Industrialized agriculture should not be permitted to escape such adjustments by assuming the role of the family farmer whom it is replacing. It must accept the responsibilities that our democracy exacts from industry in the equitable and democratic conduct of employer-employee relationships" (p. 169).

In this situation the committee found a national problem and a new legislative issue which is summarized in these terms:

"In exploring intensively the nature and character of this problem in a single State, the committee recognizes only a mere beginning in a broader task. Our democracy must embark upon the job of making the adjustments that are necessary when men who work and live on the land become largely separated from rights of property in it" (p. 398).

In appraising this field as one transcending the borders of an individual State, the committee considered in a preliminary fashion the question of lodgment of responsibility between the State and Federal Governments, saying:

"The adequacy of the powers of the State of California to cope with this problem, its inclination to do so, and the relationship of certain facets of the problem to national policy all must be considered. It is characteristic of our tradition, and rightfully so,

that where action by government is necessary, intervention by State or local government is preferred to national action in order that there shall not be any undue and unnecessary centralization of governmental power. However, in a problem as broad and complex as the status of agricultural labor in our society, a definitive program must call for the exertion of both Federal and State powers in the common field. Moreover, our preference for State and local action does not go so far as to preclude Federal action, where constitutional, when the State or local authorities refuse to act or function in an entirely ineffective or incomplete manner.

"The record of the last 50 years speaks eloquently of the failure to achieve a solution or alleviation of the California agricultural labor problem on a State or local level. The misery, poverty, and repression of the last decade were only another chapter in a record of events that reaches back through the years. Hence the committee can only conclude that the situation demands a much larger assumption of responsibility on the part of the Federal Government. It must become the continuing business of the Congress of the United States to concern itself with some of the problems outlined here" (p. 398).

In its conclusion, the report indicated that the committee was far from dismissing the subject which was the basis of the first extended official pronouncement on agricultural labor made in modern times by a committee of the United States Senate. That it expects the whole question to be increasingly important as a current or post-war legislative issue was indicated by the following statement:

"In part X the types of corrective action mentioned here will be discussed in greater detail and more precise recommendations will be offered. Wherever national legislation seems necessary, it will be offered in the form of concrete measures. This present volume serves only to sharpen the issue along definite, specific lines in the light of evidence. This issue, stated broadly, is whether or not this Nation will continue to countenance standards for labor in agricultural industry vastly inferior to those established for labor in other industries. A national decision on that issue will determine the future of civil rights of agricultural labor in California or wherever similar conditions exist" (p. 399).

A considerable portion of the report was devoted to a painstaking examination of the system of agriculture characteristic of California, and its relationship to the labor problem. Apparently, it was this type of farming which the committee described as "industrialized agriculture," which it deemed worthy of continued observation. It described the genesis of the labor problem in these terms:

"California's agricultural economy is so constituted that a substantial number of its farms, which produce a considerable portion of the crops, function on a wage-labor system. Because of the large scale or specialized character of the operations, particularly in fruits, vegetables, and certain specialty crops, the usual family labor force of an individual farm operator is often inadequate to meet periodic labor demands that accompany various stages of cultivation and harvesting.

"Of those listed as gainfully employed in agriculture in California, a highly preponderant number are classified as hired laborers as distinct from farm operators. The number of hired laborers in California agriculture has increased with each succeeding census.

"Even more significant than their growth in numbers is the concentration of their employment. A relatively small percentage of agricultural employers provides an unusually high percentage of the jobs. In this type of agriculture, the laborers work in gangs with a casual relationship to various employers. The similarity of this system of employment to the factory pattern justifies the common characterization of California's agricultural economy as 'industrialized'" (pp. 155–156).

The next point to receive extended treatment was the character of employment in California industrialized agriculture, concerning which the committee noted:

"A vast majority of the wage workers in California agriculture do not enjoy regular employment. They are drawn periodically from a pool of fluid, mobile, and otherwise unemployed labor to perform particular operations. Employment is characterized by seasonality, intermittency, and mobility, and is often a casual relationship" (p. 170).

The committee's observations in this connection, while not expressly pointed at the current farm-labor problem produced by the manpower demands of the war program, nonetheless have a very important bearing upon that subject. They reveal clearly at least part of the reason for the escape of the usual supply of migratory farm workers to the urban factories and indicate the tremendous waste of labor that is involved in the existing methods of agricultural employment. The report described the situation as follows:

"The labor market which has developed to conform to this structural organization is one in which a vast majority of the laborers do not enjoy relatively permanent or satisfactory employment. To achieve the obvious economies inherent in a system of agriculture which supports labor only when it is needed, a peculiar pattern of employment has evolved. It is characterized by temporary hiring from a mobile labor pool of otherwise unemployed workers. Except for a minor portion of full-time laborers, employment for the worker is the piecing together of many varied jobs of short duration, made available by the seasonal, intermittent, and shifting demand. There is no job security or regularity of employment. The worker must migrate from employer to employer, crop to crop, and area to area. This migration gives fluidity and mobility to employment. The lack of job security, underemployment, the necessity of keeping 'on the move' and the general disorganization of the labor market handicap the laborer severely. All of these disadvantages have been magnified during substantial periods of time by the overcrowded and oversupplied character of this market. The presence of an excess labor supply has, inevitably, worked to the disadvantage of the laborers' efforts to better their wage rates and working conditions" (p. 156).

While the report emphasized the disadvantages of this system of disorganized employment to the laborers and to the public welfare both in times of labor shortage and labor surplus, it did not offer any hope that the conditions would be corrected in absence of substantial public intervention. In this connection, the report traced the historical efforts of California agricultural employers over the last 70 years to maintain an excess supply of labor in order to preserve their favored method of employing seasonal, migratory, and casual labor. Referring to the background and aftermath of the famous Wheatland riots in 1913, the failure of agricultural employers to meet the economic and social aspects of the farm-labor problem before the first World War was noted. The report's description of this period is somewhat striking because of its analogy to the present situation in which great emphasis is being placed upon the necessities of securing adequate supplies of farm labor. Except for minor changes in dates and a reference to the prospects of importing labor from the Philippine Islands, the discussion of the first World War farm-labor problem is applicable today:

"The problems produced by the war emergency rapidly absorbed public attention and submerged the social aspects of the farm-labor problem as revealed by the Wheatland riot. No broad frontal attack was carried forward. Agricultural production was expanded in California and there was a sharp increase in the demand for farm labor. In the drive to secure more workers, the operators generally supported the importation of labor from outside the United States, the closing of saloons, liberal exemption of farm labor from military draft, development of potential home supplies—that is, children, women, city dwellers, better distribution and utilization of the existing supply, use of the vagrancy laws, and conscription of labor.

"School children and boys from State detention schools were used. Various school authorities cooperated, together with children's organizations. The so-called Women's Land Army was organized and employed. A small supply of Mexican labor was imported and attention and emphasis given to the prospects of importing labor from the Philippine Islands, the Hawaiian Islands, Puerto Rico, and Mexico. There was considerable pressure for a more widespread importation, and a reopening of the Chinese immigration question was advocated. In concluding his report of the 1918 season, Prof. R. L. Adams, who was designated as a State farm-labor agent, said:

" 'A growing realization arising from various studies and investigations is that the State has a great potential labor power in women, school children, and city dwellers, many of whom are farm reared or farm trained, and a large majority of whom can be drawn upon to aid in any real emergency; but at the same time great reliance should, emphatically, not be placed upon such classes of labor to meet the constant demands of California's specialized agriculture for a kind of labor able to meet the requirements of hard, stoop, hand labor, and to work under the sometimes less advantageous conditions of heat, sun, dust, winds, and isolation. Either sufficient capable labor must soon be available to do the work or else the character and methods of many important California agricultural enterprises must undergo a substantial and far-reaching readjustment. The amount of labor available of this class has a very definite bearing upon the character and extent of farming operations in the sugar-beet industries, in the industries of the Imperial Valley, and of the San Joaquin and Stockton deltas, and, to some extent, in the fruit industry.'

"This statement was somewhat prophetic of the later developments in the direction of Mexican importation" (p. 253).

The committee's conclusions indicate that it feels that long-term measures to correct the abuses and disorganized character of employment in agriculture would go far in meeting not only the problem of post-war period when labor surplus may be the cause of the difficulty, but also the problem in the war period where carefully organized use of available labor supply is important. The report indicates, however, that opposition to any such measures and a strong effort to build up the usual labor surplus pool may be expected. At least this is the lesson of history. As the report recounts it:

"California's agricultural industry has made a consistent and deliberate effort to maintain this system of employment and the unemployed pool. The history of California agriculture reveals an enduring vigilance and unending attempts on the part of organized employers to keep open the channels of foreign and domestic immigration which constantly poured into this labor market—Chinese, Japanese, Hindus,

Mexicans, and Filipinos, and the domestic migrants during recurring national depressions. These efforts overpowered several feeble attempts to begin a process of stabilization by settling a portion of employed labor force on the land" (p. 174).

Coupled with this system of employment, the committee's report developed in considerable detail the methods by which organized employers control the hiring of agricultural labor in California and the fixing of their wages. This situation was traced historically with especial emphasis placed upon the methods which characterize the last decade. The roles of labor contractors, privately operated labor recruiting agencies, and the various State and National public employment services in the 1930's were critically appraised. In addition, the committee outlined in specific terms some of the organized wage fixing carried on on an ex parte basis by tightly knit employer groups.

The impact of these various factors upon the economic and social status of California's farm laborers was traced historically with a more complete description of the situation in recent years. The situation—year in, year out—was summarized in the following terms:

"An analysis of the substantive plight of California's agricultural laborers discloses an inadequate annual income for many workers and their families. This is due both to substantial periods of unemployment in each year and low levels of earnings during the periods of employment. Supplementary funds from public-relief sources, dispensed on a broad scale, are necessary to maintain even a subsistence level for a great majority of them. Many are not eligible; relief funds are not always adequate. The natural result of a low level of income and a considerable mobility and uncertainty of employment is bad housing and living conditions. There may also be a loss of the advantages of public health and educational facilities available to persons with a fixed community and job status. There is no fair and democratic process for fixing arrangements for hiring, recruiting, wages, hours, working conditions, housing, and settling labor disputes. This tremendous disadvantage to the laborer is magnified by the absence of any protective social legislation, such as that commonly applied to industrial labor. There has been an almost uniform exemption of agricultural labor even from recently enacted labor legislation by the Congress" (pp. 156–157).

An entire chapter was given over to the controversial question of wage levels for California agriculture. It was pointed out that the average hourly or piece-rate wage was no accurate reflection of earning power because of the long periods of idleness and intermittent employment. The report gave particular attention to the oft-repeated contention that California wage rates were higher than those in the rest of the States, observing that such comparisons are based largely on the monthly or daily wage basis which is not applicable to the great bulk of the workers who are paid on an hourly or piece-rate basis.

Another chapter considered the relationship of the great migration during the 1930's of the "Okies" and "Arkies" from the agricultural areas of the regions east of California to the agricultural labor problem there. While acknowledging that economic depression and advancing technological farm mechanism and drought in the Southwest and Great Plains area were the primary causes of the movement of large numbers of these migrants, the report placed a considerable share of the resulting misery incurred in migrations, typified vigorously by the story of the Joads in John Steinbeck's Grapes of Wrath, upon the maintenance of the unfortunate pattern of employment of labor in California agriculture. In this connection it stated:

"The fact remains, however, that California's particular system of casual haphazard employment in agriculture acted as a magnet to draw desperate folk from Oklahoma, Arkansas, Texas, and Missouri, and others of the twenty-odd States which have contributed substantially to recent migrations to California. Certainly it may be fairly stated that the maintenance of the present employment pattern in California agriculture is, in large measure, responsible for the continuance of the aimless, disorganized migration of large groups of workers and their families in that State with its consequent problems of housing, health, education, and relief. Were it not so, there would be little or no reason to follow a nomadic existence in search of employment. California agriculture supplies a great bulk of the irregular, temporary, periodic, casual employment that is available in the State. When that employment is organized and stabilized and job security is provided on the basis of seniority, then one of the major sources of this chaotic and unnecessary migration, interstate or intrastate, will be eliminated. Migration will not cease, but it will be useful, not disorganized" (p. 200).

A separate chapter analyzed the special problems of migratory agricultural laborers in the fields of housing, health, and education. The system of Farm Security camps was strongly commended, not only because of the physical advantages they provided for otherwise helpless families of the laborers, but also because it afforded a considerable protection to the civil rights of the persons employed. The health program of that agency was also praised.

The evidence concerning the changing economic status of agricultural labor laid before the committee by its economists was summarized on a long-term basis as follows:

"For more than a decade the major trends in California agriculture and its labor market have reflected the increasingly depressed conditions and the growing insecurity of agricultural labor. Despite the recovery beginning in 1933 and the improvement in conditions in the State's agriculture, the position of agricultural labor failed to improve correspondingly. By 1938 the economic status of agricultural labor in California was much inferior to what it had been late in the 1920's.

"From the late 1920's to the present, the following major developments have been taking place in California agriculture and its labor market: (1) The volume of employment available for agricultural workers, measured in terms of aggregate man-hour labor requirements, has declined somewhat, while physical production (crops and livestock) has increased greatly; (2) the labor supply has increased absolutely, whereas employment opportunities in the agricultural labor market have decreased; (3) the agricultural wage bill, or the amount of wages paid to labor, has declined both absolutely and in proportion to gross agricultural income, lagging far behind gross agricultural income after 1932; and (4) labor productivity has increased sharply, while wage rates have decreased. As employment opportunities contracted and the labor supply was enlarged, and as the wage bill decreased, competition for employment increased and employment and earnings became spread more thinly over a greater number of workers" (p. 383).

In analyzing the unorganized status of agricultural labor in California, the committee's report traced the historical course of trade-union development, pointing out the traditional hostility of organized agricultural employers to trade-unions in industrialized agriculture. In promising to explore, in subsequent parts of the California report, the sources of dominant employer-labor policies in California agriculture and the means and methods by which they have been made effective, the committee drew attention to the fact that:

"There are powerful industrial interests in California agriculture which may or may not, depending upon the facts, share in the making of its labor policies. First, there are industrial firms and corporations, such as large banking, real-estate, processing, and shipping interests, which own, operate, or lease agricultural land, and which are directly interested in making the operation of that land highly profitable to the entrepreneur and hence to themselves. Second, there are many individuals active in urban industry, who have invested or assumed responsible roles in the operation of agricultural corporations or individual enterprises. Third, there is the interest of the credit, manufacturing, mercantile, and transportation industries, which supply goods and services to California agriculture. Naturally, their desire is to obtain a maximum or fixed share of the income of the farm operator. If wage labor is used, they as well as the operator must share that income with employees. The less the labor cost or the feebler the pressure on the agricultural employer for more wages, the less the pressure upon these suppliers. This is particularly important in times of declining prices when some item in the balance sheet must be squeezed. If labor costs are kept flexible and within the control of the employer, or better, within the control of the railroads, utility companies, fertilizer and farm-machinery companies, credit institutions, oil companies, and processing and shipping interests, then these industrial interests stand to preserve or add to their stake in the agricultural dollar. Finally, all of these groups have an interest in preventing interruptions in the production, processing, and shipment of agricultural commodities. Under these conditions it is not surprising to find the attitudes and policies of urban industry reflected in and related to agricultural industry" (pp. 216–217).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on June 11, 1942, that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 2459. An act to amend the act entitled "An act for the relief of present and former postmasters and acting postmasters, and for other purposes," to permit payment of total compensation to certain employees of the Postal Service employed in a dual capacity; and

S. J. Res. 144. Joint resolution designating June 13, 1942, as MacArthur Day, and authorizing its appropriate observance.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Idaho:

S. 2594. A bill for the relief of the State of Idaho; to the Committee on Claims.

By Mr. PEPPER:

S. 2595. A bill to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public kindergarten or kindergarten and nursery-school education; to the Committee on Education and Labor.

By Mr. LEE:

S. 2596. A bill relating to the appointment of former deputy marshals of the United States as honorary deputy marshals of the

United States; to the Committee on the Judiciary.

By Mr. HUGHES (for Mr. REYNOLDS):

S. 2597. A bill to provide for the appointment of chiropody (podiatry) officers of the United States Army; to the Committee on Military Affairs.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 324) making appropriations for work relief and relief for the fiscal year ending June 30, 1943, was read twice by its title and referred to the Committee on Appropriations.

RELIEF OF CIVILIANS AND CIVILIAN DISTRESS ARISING FROM THE WAR—AMENDMENTS

Mr. TAFT submitted amendments intended to be proposed by him to the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes, which were severally ordered to lie on the table and to be printed.

MISSISSIPPI SOUND IN VICINITY OF PASS CHRISTIAN, MISS. (S. DOC. NO. 214)

Mr. BAILEY presented a letter from the Secretary of War, transmitting a report dated March 13, 1942, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of the report on Mississippi Sound in the vicinity of Pass Christian, Miss., with a view to determining whether improvement of channel conditions is advisable, which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed, with an illustration.

ALLOWANCES FOR DEPENDENTS OF CERTAIN PERSONNEL — CONFERENCE REPORT

Mr. LEE. Mr. President, I submit the conference report on the service men's dependents allotment bill, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2467) to provide family allowances for the dependents of enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the Servicemen's Dependents Allowance Act of 1942.

"TITLE I

"SEC. 101. The dependent or dependents of any enlisted man of the fourth, fifth, sixth, or seventh grades in the Army of the United States, the United States Navy, the Marine Corps, or the Coast Guard, including any and all retired and reserve components of such services, shall be entitled to receive a monthly family allowance for any period during which such enlisted man is in the active military or naval service of the United States on or after June 1, 1942 during the existence of any war declared by Congress and the six months immediately following the termination of any such war.

"SEC. 102. The monthly family allowance payable under this title to the dependent or dependents of any such enlisted man shall consist of the Government's contribution to such allowance and the reduction in or charge to the pay of such enlisted man.

"SEC. 103. The dependents of any such enlisted man to whom a family allowance is payable under the provisions of this title shall be divided into two classes to be known as "Class A" and as "Class B" dependents. The Class A dependents of any such enlisted man shall include any person who is the wife, the child, or the former wife divorced of any such enlisted man. The Class B dependents of any such enlisted man shall include any person who is the parent, grandchild, brother, or sister of such enlisted man and who is found by the Secretary of the department concerned to be dependent upon such enlisted man for a substantial portion of his support.

"SEC. 104. A monthly family allowance shall be granted and paid by the United States to the class A dependent or dependents of any such enlisted man upon written application to the department concerned made by such enlisted man or made by or on behalf of such dependent or dependents. A monthly family allowance shall be granted and paid by the United States to the class B dependent or dependents of any such enlisted man upon written application to the department concerned made by such enlisted man, or upon written application to the department concerned made by or on behalf of such dependent or dependents in any case in which the Secretary of the department concerned finds that it is impracticable for such enlisted man to request the payment of such allowance. The payment of a monthly family allowance to any class B dependent or dependents of any such enlisted man shall be terminated upon the receipt by the department concerned of a written request by such enlisted man that such allowance be terminated.

"SEC. 105. (a) The amount of the Government's contribution to the family allowance payable to the dependent or dependents of any such enlisted man shall be the aggregate of the amount of the Government's contribution to the class A dependent or dependents of such enlisted man and the amount of the Government's contribution to the class B dependent or dependents of such enlisted man.

"(b) The amount of the Government's contribution to the class A dependent or dependents of such enlisted man shall be at a monthly rate of—

"(1) $28, if such enlisted man has a wife but no child;

"(2) $40, if such enlisted man has a wife and one child, and an additional $10 for each additional child;

"(3) $20, if such enlisted man has no wife but has one child;

"(4) $30, if such enlisted man has no wife but has two children, and an additional $10 for each additional child; and

"(5) $20, in addition to the amounts, if any, payable under clauses (1), (2), (3), or (4) of this subsection, if such enlisted man has a former wife divorced.

"(c) The amount of the Government's contribution to the Class B dependent or dependents of any such enlisted man shall be at a monthly rate of—

"(1) $15, if such enlisted man has only one parent who is a Class B dependent, and an additional $5 for each grandchild, brother, or sister which such enlisted man has who is a Class B dependent, but not more than $50 in the aggregate;

"(2) $25, if such enlisted man has two parents who are Class B dependents, and an additional $5 for each grandchild, brother, or sister which such enlisted man has who is a Class B dependent, but not more than $50 in the aggregate; and

"(3) $5, if such enlisted man has no parent who is a Class B dependent, for each grandchild, brother, or sister which such enlisted man has who is a Class B dependent, but not more than $50 in the aggregate.

"In any case in which the amount of the Government's contribution to the Class B dependents of any enlisted man would be greater than $50, if there were no limitation upon the aggregate amount of the Government's contribution to such dependents, the amount contributed by the Government to each such dependent shall be reduced in the same proportion as the aggregate amount of the Government's contribution to all such dependents is reduced.

"SEC. 106. (a) For any month for which a monthly family allowance is paid under this title to the dependent or dependents of any such enlisted man the monthly pay of such enlisted man shall be reduced by, or charged with, the amount of $22, and shall be reduced by, or charged with, an additional amount of $5 if the dependents to whom such allowance is payable include both Class A and Class B dependents. The amount by which the pay of any such enlisted man is so reduced or with which it is so charged shall constitute part of the monthly family allowance payable to his dependent or dependents.

"(b) In any case in which the family allowance is payable to more than one dependent of any such enlisted man, the amount by which the pay of such enlisted man is reduced or with which it is charged shall be apportioned among and paid for the benefit of such dependents in the following proportions:

"(1) If such dependents are all Class A dependents or are all Class B dependents, such amount shall be apportioned among such dependents in the same ratio in which they share the total Government contribution payable to them under section 105.

"(2) If one or more of such dependents are Class A dependents and one or more of such dependents are Class B dependents, $22 of such amount shall be apportioned among such Class A dependents in the same ratio in which they share the total Government contribution payable to such Class A dependents under section 105 and $5 of such amount shall be apportioned among such Class B dependents in the same ratio in which they share the total Government contribution payable to such Class B dependents under section 105.

"(c) Notwithstanding any other provision of this title, in any case in which a family allowance is granted under this title to a wife or a child living separate and apart from the enlisted man under a court order or a written agreement, or to a former wife divorced, the amount of the family allowance payable to such wife, child, or former wife divorced shall not exceed the amount fixed in the court order or decree or in the written agreement as the amount to be paid to such wife, child, or former wife divorced. In any case in which the application of the provisions of the preceding sentence results in a reduction in a family allowance which would otherwise be payable under this title, the amount by which the pay of the enlisted man is reduced or with which it is charged and the amount of the Government contribution to such family allowance may each be reduced in accordance with such regulations as may be prescribed by the Secretary of the department concerned.

"SEC. 107. Any monthly family allowance provided for by this title shall be paid for

the period beginning with the day on which application therefor is filed or the day on which the dependent or dependents first become entitled thereto under section 101, whichever is later, and ending with the day on which the disbursing officer paying the allowance receives notice of a change in status of the enlisted man concerned which terminated the right of his dependent or dependents to receive such allowance or notice of the discharge from or death in the service of such enlisted man: *Provided*, That in the case of any dependent of an enlisted man in active service on the date of enactment of this Act, if application is filed for a monthly family allowance within six months after such date of enactment or within such longer period as may be prescribed in special cases by the Secretary of the department concerned, the period for which such family allowance shall be paid shall begin with the date on which such dependent first becomes entitled thereto under section 101: *Provided further*, That the Secretary of War and the Secretary of the Navy may, by regulations prescribed by them jointly, fix the dates of commencement and termination of any such family allowance on any dates not more than one month before or one month after the dates above prescribed. Such regulations shall in no event provide for the payment of such allowances for any period prior to the first day of the first calendar month following the date of enactment of this Act or for any period when the United States is not engaged in a war declared by Congress and which is more than six months later than the date of termination of any such war. Any allowances which accrue under this title for the period preceding November 1, 1942, shall not be actually paid until after November 1, 1942.

"SEC. 108. In any case in which any allotment from the pay of an enlisted man is already in effect at the time a monthly family allowance becomes payable under this title to a dependent or dependents of such enlisted man, such allotment may be continued, modified, or discontinued in accordance with such regulations as may be prescribed by the head of the department concerned.

"SEC. 109. Any family allowance to which any dependent or dependents of any enlisted man is entitled under the provisions of this title shall be paid on behalf of such dependent or dependents to any person who may be designated by such enlisted man unless the Secretary of the department concerned determines that the person so designated is not an appropriate payee. In any case in which the Secretary of the department concerned determines that the person so designated is not an appropriate payee or in any case in which the enlisted man has not designated a payee, such allowance shall be paid on behalf of such dependent or dependents to such person as may be designated in regulations prescribed by the Secretary of the department concerned.

"SEC. 110. (a) Any family allowance granted under the provisions of this title to the dependent or dependents of any enlisted man shall continue to be paid irrespective of the pay accruing to such enlisted man.

"(b) In case of the desertion or imprisonment of any enlisted man to the dependent or dependents of whom a family allowance has been granted under the provisions of this title, the family allowance thereafter payable to such dependent or dependents and the reduction of or charge to pay of such enlisted man shall be determined in accordance with such regulations as may be prescribed by the Secretary of the department concerned.

(c) In any case in which an enlisted man is entitled to receive or to have credited to his account pay and allowances for any period under the Act of March 7, 1942 (Public Law 490, Seventy-seventh Congress), such enlisted man shall be deemed to be an enlisted man during such period for the purposes of this title.

"(d) Nothing contained in this Act shall be construed to modify the Act approved March 7, 1942 (Public Law 490, Seventy-seventh Congress).

"SEC. 111. This title shall be administered by the Secretary of War in its application to enlisted men of the Army of the United States and the dependents of such enlisted men and shall be administered by the Secretary of the Navy in its application to enlisted men of the United States Navy, the Marine Corps, and the Coast Guard, and the dependents of such enlisted men. Said Secretaries are authorized to prescribe jointly or severally such regulations as they may deem necessary to enable them to carry out the provisions of this title and to delegate to such officers or employees of their respective departments as they may designate any of their functions under this title.

"SEC. 112. The determination of all facts, including the fact of dependency, which it shall be necessary to determine in the administration of this title shall be made by the Secretary of the department concerned and such determination shall be final and conclusive for all purposes and shall not be subject to review in any court or by any accounting officer of the Government. The Secretary of the department concerned may at any time on the basis of new evidence or for other good cause reconsider or modify any such determination, and may waive the recovery of any money erroneously paid under this title whenever he finds that such recovery would be against equity and good conscience. The General Accounting Office shall not refuse to allow credit in the accounts of any disbursing officer for any erroneous payment or overpayment made by him in carrying out the provisions of this title unless such erroneous payment or overpayment was made by him as the result of his gross negligence or with the intent to defraud the United States. No recovery shall be made from any officer authorizing any erroneous payment or overpayment under this title unless such payment was authorized by him as the result of his gross negligence or with the intent to defraud the United States.

"SEC. 113. Any appropriations heretofore or hereafter made to the department concerned for the pay of enlisted men shall be available for the payment of the family allowances payable under the provisions of this title.

"SEC. 114. The Director of the Selective Service System is authorized and directed to cooperate with the Secretary of War and the Secretary of the Navy by providing them with such information in the possession of, or available to, the Selective Service System as may be necessary to enable them to efficiently administer the provisions of this title.

"SEC. 115. The monthly family allowances payable under the provisions of this title shall not be assignable; shall not be subject to the claims of creditors of any person to whom or on behalf of whom they are paid; and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever.

"SEC. 116. Whoever shall obtain or receive any money, check, or family allowance under this title, without being entitled thereto and with intent to defraud, shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or both.

"SEC. 117. Whoever in any claim for family allowance or in any document required by this title or by regulation made under this title makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

"SEC. 118. Any person who has been entitled to payment of a family allowance under this title and whose entitlement to payment of such allowance has ceased shall, if he thereafter accepts payment of such allowance with the intent to defraud, be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or both.

"SEC. 119. No part of any amount paid pursuant to the provisions of this title shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any family allowance payable under this title, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $100 nor more than $1,000.

"SEC. 120. As used in this title—

"(a) The term 'wife' means a lawful wife.

"(b) The term 'former wife divorced' means a former wife divorced who has not remarried and to whom alimony has been decreed and is still payable.

"(c) The term 'child' includes—

"(1) a legitimate child;

"(2) a child legally adopted;

"(3) a stepchild, if a member of the man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage; and

"(4) an illegitimate child, but only if the man has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or, has acknowledged under oath in writing, that he is the father of such child.

"(d) The term 'grandchild' means a child as above defined of a child as above defined, and is limited to persons to whom the enlisted man has stood in loco parentis for a period of not less than one year prior to his enlistment or induction.

"(e) The term 'parent' includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, either of the person in the service or of the spouse, and persons who, for a period of not less than one year prior to the man's enlistment or induction, stood in loco parentis to the man concerned: *Provided*, That not more than two within those named therein may be designated to receive an allowance, and in the absence of a designation by the enlisted man preference shall be given to the parent, or parents not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the enlisted man's entrance into active service: *Provided further*, That if such parent or parents be not dependent or waive an allowance, preference may be extended to others within the class who at a more remote time actually supported the enlisted man prior to entrance into service.

"(f) The terms 'brother' and 'sister' include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

"(g) The terms 'child', 'grandchild', 'brother', and 'sister' are limited to unmarried persons either (1) under eighteen years of age, or (2) of any age, if incapable of self-support by reason of mental or physical defect.

"(h) The terms 'pay' and 'base pay' mean base pay and longevity pay only.

"(i) The terms 'man' and 'enlisted man' mean any enlisted individual of the fourth, fifth, sixth, or seventh grade in any of the services mentioned in section 101 of this Act, but does not include any member of the Limited Service Marine Corps Reserve, the Philippine Army, the Philippine Scouts, the insular force of the Navy, the Samoan native guard or band of the Navy, or the Samoan reserve force of the Marine Corps.

"(j) The term 'department concerned' means the War Department or the Navy

Department, whichever may be the appropriate one in the particular case.

TITLE II

"SEC. 201. (a) Paragraph (1) of section 5 (e) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows:

"'(1) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of any or all categories of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of any or all categories of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those men found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of men is advisable because of their status with respect to persons dependent upon them for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the land or naval forces of the United States shall be taken into consideration but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of any or all categories of those men who have wives or children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. Rules and regulations issued pursuant to this subsection shall include provisions requiring that there be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those men who have been classified by such local board.'

"(b) Section 15 of such Act, as amended, is amended by striking out subsection (c) thereof."

And the House agree to the same.

ELBERT D. THOMAS,
JOSH LEE,
LISTER HILL,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

ANDREW J. MAY,
R. E. THOMASON,
DOW W. HARTER,
W. G. ANDREWS,
LESLIE C. ARENDS,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report? The Chair hears none, and, without objection, the report is agreed to.

FIRST NATIONAL BANK OF HUNTSVILLE, TEX.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2309) for the relief of the First National Bank of Huntsville, Tex., which were, on page 2, line 10, to strike out all after "her" down to and including "$1,000" in line 18; on page 2, after line 18, to insert:

SEC. 2. That the Canton Exchange Bank, of Canton, Miss., is hereby relieved of all liability to the United States in connection with 10 checks drawn on the Treasurer of the United States, aggregating $791, which were negotiated during the years 1936 and 1937 through such bank by J. C. Harris, then county agent of Madison County, Miss., who had fraudulently obtained such checks and forged the endorsements of the payees thereon. Any subsequent endorsers of such checks are hereby relieved of any liability arising out of their endorsements, and the Treasurer of the United States shall be entitled to credit in his accounts for any sums paid out by him on account of such checks.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such Canton Exchange Bank, a sum equal to the amount, if any, paid by such bank to the United States, or any officer thereof, on account of its liability in connection with such checks.

SEC. 4. That the First National Bank, of Canton, Miss., is hereby relieved of all liability to the United States in connection with three checks drawn on the Treasurer of the United States, aggregating $234, which were negotiated during the years 1936 and 1937, through such bank by J. C. Harris, then county agent of Madison County, Miss., who had fraudulently obtained such checks and forged the endorsements, and the Treasurer of the United States shall be entitled to credit in his accounts for any sum paid out by him on account of such checks.

SEC. 5. The Secretary of the Treasury is authorized to pay, out of any money in the Treasury not otherwise appropriated, to such First National Bank, a sum equal to the amount, if any paid by such bank to the United States or any officer thereof, on account of its liability in connection with such checks: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000: *Provided further*, That nothing herein contained in sections 2 to 5, inclusive, shall be construed to relieve the said J. C. Harris of any liability to the United States on account of any amounts improperly received by him.

And to amend the title so as to read: "An act for the relief of the First National Bank of Huntsville, Tex., and the Canton Exchange Bank, of Canton, Miss., and the First National Bank of Canton, Miss."

Mr. BROWN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

POWERS OF SENATE SPECIAL SILVER COMMITTEE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The LEGISLATIVE CLERK. A resolution (S. Res. 261) to confer additional authority on the Senate Special Silver Committee created pursuant to Senate Resolution 187, Seventy-fourth Congress.

Mr. BARKLEY. Mr. President, I ask that the resolution go over until later in the day. I wish to examine a previous act.

The PRESIDING OFFICER. Without objection, the resolution will be passed over.

FLAG DAY SPEECH BY SENATOR LUCAS

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD an address by Senator LUCAS at the annual Flag Day celebration at Baltimore, Md., June 14, 1942, which appears in the Appendix.]

OUR FLAG OF VICTORY—ADDRESS BY SENATOR GREEN

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address entitled "Our Flag of Victory," delivered by Senator GREEN at the Flag Day celebration in Roger Williams Park, Providence, R. I., June 14, 1942, which appears in the Appendix.]

ADDRESS BY SENATOR MEAD BEFORE B'NAI B'RITH AND JEWISH WAR VETERANS

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address entitled "Why We Fight," delivered by him on Flag Day before members of the B'nai B'rith and Jewish War Veterans of Brooklyn, N. Y., which appears in the Appendix.]

CITATION OF SENATOR BROWN FOR HONORARY DEGREE OF JURIS DOCTOR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a statement made by the dean of the Detroit College of Law on June 9, on the occasion when the degree of juris doctor was conferred upon Senator BROWN, which appears in the Appendix.]

THE DANCE OF THE BILLIONS—ARTICLE BY SENATOR SPENCER

[Mr. HILL asked and obtained leave to have printed in the RECORD an article by Senator SPENCER entitled "The Dance of the Billions," as printed in the magazine Finance on May 28, 1942, which appears in the Appendix.]

GOVERNMENT EMPLOYEES' PAY PROGRAM

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD the script for Government Employees' Pay Program, broadcast over the Mutual Broadcasting System on June 11, 1942, and participated in by Senator LA FOLLETTE and Mr. William Green, which appears in the Appendix.]

ADDRESSES ON UNVEILING OF PORTRAIT OF HON. HENRY B. STEAGALL

[Mr. HILL asked and obtained leave to have printed in the RECORD addresses delivered on the occasion of the unveiling of a portrait on June 10, 1942, of Hon. HENRY B. STEAGALL, chairman of the House Committee on Banking and Currency, which appear in the Appendix.]

FLAG DAY ADDRESS BY HON. ALF M. LANDON

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address entitled "Keeping Our Heads," delivered by Hon. Alfred M. Landon, former Governor of Kansas, at the Elks Lodge Flag Day meeting, Marshalltown, Iowa, on June 14, 1942, which appears in the Appendix.]

LEADERSHIP—ADDRESS BY MAJ. C. A. BACH, UNITED STATES ARMY

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an address delivered by Maj. C. A. Bach, of the United States Army, to the officers graduating at Fort Sheridan, on March 25, 1918, on the subject Leadership, which appears in the Appendix.]

CONSERVATION OF RUBBER—ADDRESS BY THE PRESIDENT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address by the President on Friday, June 12, 1942, with reference to rubber, which appears in the Appendix.]

MAIL SERVICE FOR THE ARMED FORCES

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article from the Postal Bulletin of June 15, 1942, entitled "Mail Service for Our Armed Forces," which appears in the Appendix.]

The VICE PRESIDENT. The routine morning business is concluded.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Glass	O'Mahoney
Andrews	Green	Overton
Bailey	Guffey	Pepper
Bankhead	Gurney	Radcliffe
Barbour	Hayden	Reed
Barkley	Herring	Rosier
Bone	Hill	Russell
Brewster	Holman	Schwartz
Bridges	Hughes	Shipstead
Brown	Johnson, Calif.	Smathers
Bulow	Johnson, Colo.	Smith
Burton	La Follette	Spencer
Butler	Langer	Stewart
Capper	Lee	Taft
Caraway	Lucas	Thomas, Idaho
Chandler	McCarran	Thomas, Okla.
Clark, Idaho	McFarland	Thomas, Utah
Clark, Mo.	McKellar	Tobey
Connally	McNary	Truman
Davis	Maybank	Tunnell
Doxey	Mead	Tydings
Ellender	Millikin	Vandenberg
George	Murdock	Van Nuys
Gerry	Murray	Wheeler
Gillette	Norris	White

Mr. HILL. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. BUNKER], the Senator from Virginia [Mr. BYRD], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Texas [Mr. O'DANIEL], the Senator from New York [Mr. WAGNER], the Senator from Massachusetts [Mr. WALSH], and the Senator from Washington [Mr. WALLGREN] are necessarily absent from the Senate.

The Senator from California [Mr. DOWNEY] is detained in his State on official business.

The Senator from North Carolina [Mr. DOWNEY] is detained in his State on official business.

The Senator from West Virginia [Mr. KILGORE] is a member of the Committee to Investigate National Defense, and is therefore necessarily absent.

The Senator from Connecticut [Mr. MALONEY] is absent because of illness in his family.

Mr. MCNARY. The Senator from North Dakota [Mr. NYE] is absent from the city attending the funeral services of a friend.

The Senator from Vermont [Mr. AUSTIN], the Senator from Minnesota [Mr. BALL], the Senator from Illinois [Mr. BROOKS], the Senator from Massachusetts [Mr. LODGE], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Wisconsin [Mr. WILEY] is absent on public business.

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present.

VISIT TO THE SENATE OF HIS MAJESTY, GEORGE II, KING OF GREECE

Mr. BARKLEY. Mr. President, in a few moments His Majesty George II, King of Greece, will be the guest of the Senate. I ask that the Chair appoint a committee of four Senators to greet the King and to escort him into the Chamber; and I ask that the Senate stand in recess subject to the call of the Chair.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Chair appoints the Senator from Kentucky [Mr. BARKLEY], the Senator from Oregon [Mr. MCNARY], the Senator from Texas [Mr. CONNALLY], and the Senator from Kansas [Mr. CAPPER] as the committee to greet the King and escort him into the Chamber.

Pursuant to the unanimous-consent agreement, the Senate will now stand in recess, subject to the call of the Chair.

The Senate being in recess, at 12 o'clock and 22 minutes p. m.

His Majesty, George II, King of Greece, escorted by the committee appointed by the Vice President, consisting of Mr. BARKLEY, Mr. MCNARY, Mr. CONNALLY, and Mr. CAPPER, entered the Senate Chamber, accompanied by His Excellency Emmanuel Tsouderos, the Prime Minister of Greece; Col. Demetrios Levidis, Marshal of the Court; Capt. Petros Stathatos, aide-de-camp to the King; Mr. Cimon P. Diamantopoulos, Minister to the United States from Greece; Col. Louis Fortier, United States Army, military aide to the King; Capt. Andrew S. Hickey, United States Navy, naval aide to the King; and H. Charles Spruks, Division of Protocol, Department of State.

The King of Greece, having been escorted to a place on the rostrum in front of the Vice President's desk and the distinguished visitors accompanying him having been escorted to places assigned to them,

The VICE PRESIDENT said: For centuries Greece has held aloft the torch of freedom, and never more than now. I present His Majesty, the King.

[Applause; Senators and occupants of the galleries rising.]

ADDRESS BY HIS MAJESTY, GEORGE II, KING OF GREECE

Mr. Vice President, Members of the United States Senate, I am proud to be in your midst and to bring to you the greetings of fighting Greece.

By your side, by the side of Great Britain, and of the other United Nations of freemen, I continue and shall continue—no matter what the hardships, whatever the cost—the struggle for the liberation of Greece [applause]—a nation which over a span of 5,000 years survived vicissitudes and force, and which today is much less disposed than ever to surrender its great heritage of civilization and to languish a prisoner of the powers of darkness and of evil.

When we took up arms first against the Italians and then against the Germans, we knew very well what misfortunes awaited our country and how difficult it was going to be for our friends immediately to come to our assistance. France then lay prostrate and most of the smaller nations of Europe, one after the other, had bowed to the might of the invader. But no Greek doubted for an instant where his honor lay. With the help of God and knowing that every Greek was ready and willing to die in defense of his freedom and his honor, I assumed the responsibility to history and to the Greek people to lead them forward in the full performance of their duty. At one of the most critical crossroads of human history, when the fate of civilization hung in the balance, Greece proved by her stand that no price was too high to pay for human freedoms and international decency. [Applause.]

Fortunately the sacrifices of my country were not in vain. Due to the resistance of the Greek people in continental Greece and in Crete, 7 precious months were gained at a most crucial stage of the war, and the plans of the invader went awry. The Greek victories in Albania shattered irretrievably Italy's prestige and our resistance to Germany saved precious time for other fronts.

In this struggle Greece is proud to find herself a second time within a quarter of a century by the side of the powerful and generous American democracy. In the United States my country always has found support and sympathetic understanding. The valuable aid which you have given us during this war will never be forgotten. The initiative which you took along with Great Britain, to bring relief to the starving people of Greece, is a tribute to your civilization, which is characterized by a Christian spirit of helpfulness. I thank you from the bottom of my heart.

I know that the people of the United States by long and arduous effort have earned the right to be and are a living example of the best in contemporary civilization, and that they are inspired by those nobler feelings and ideals which distinguish civilized man from the barbarian. Your prosperous democracy by long and persistent application has utilized for the benefit of the working masses the numerous technological means which human intellect today contributes to civilization, and has given us tangible proof of fairness and of justice.

You have not employed the power of your great country to attack weaker nations. You have given an example of self-restraint, and shown how a most powerful country can impose justice upon itself first so that it may rightly exact it of others. The great ideals with which the United States today inspires the peoples of the world will contribute not only to the happier conclusion of the current war but, after the war, will provide the foundations of the happier and

more harmonious life which humanity expects.

Decency and justice must govern relations between people in the post-war world which must not be left a prey to vandalism a further time. In order to achieve this result the machinery of international cooperation must be strengthened so as to utilize in order under law the tremendous resources of peace-loving peoples. The economic life of the nations must be reorganized in a manner which shall secure to all the well-being to which the plain men and women of the world are entitled. Above all else it is vital that those who have fought the battle of right be secured against invasion, and the wrongdoers—including those who either for ulterior motives or simply because of weakness permitted themselves to become tools of the Axis—be impressed that predatory policies do not pay. The preservation of freedom is not the obligation of any single people in any one part of the world; it is an obligation of all peace-loving peoples throughout the world. This simple truth is the base rock of international understanding and the cornerstone for cooperation between free men in the world to come.

Greece, with her limited resources, is wholeheartedly at the service of these ideals. Today when more than ever victory is clearly discernible on the flaming horizon, she is determined to contribute whatever she can toward that victory. Knowing the boundless resources which the American people are placing in motion for the common effort, I feel duty bound to speak with great modesty of my country's contribution to the same cause. However small that contribution may appear to be in contrast with what you are doing, it is everything we have. With all our free fighting men who have survived, with all our ships which have not been sunk, we will fight on land, we will fight on sea, and we will fight in the air, to the very end, by your side and by the side of the other United Nations, until barbaric violence is put down and a new world is established—a world for free men, not for slaves.

[Prolonged applause; Senators, distinguished visitors, and occupants of the galleries rising.]

Following his address, the King of Greece and the distinguished visitors accompanying him were escorted from the Chamber.

At 12 o'clock and 35 minutes p. m., the Senate reassembled, when it was called to order by the Presiding Officer (Mr. LUCAS in the chair).

INTERIM REPORT OF SPECIAL COMMITTEE INVESTIGATING THE NATIONAL DEFENSE PROGRAM

Mr. TRUMAN. Mr. President, I ask unanimous consent out of order to submit an interim report by the Senate Special Committee Investigating the National Defense Program on the gasoline situation in California. It will take only a moment.

The PRESIDING OFFICER. The Senator from Missouri is recognized for that purpose.

Mr. TRUMAN. In March of this year a complaint was made to this committee and to the Senator from Washington [Mr. WALLGREN] that petroleum deliveries in the Northwest section of the United States were being hampered by a policy pursued by the Standard Oil Co. of California. The committee took the matter up with the Petroleum Coordinator by correspondence. I ask unanimous consent to have placed in the RECORD as a part of my remarks the correspondence which passed between the Petroleum Coordinator, the Standard Oil Co. of California, and the chief counsel of the committee. There is a letter to Mr. Collier, president of the Standard Oil Co. of California, from the Petroleum Coordinator, dated June 6; a letter to the committee dated June 8, signed by the Petroleum Coordinator; a telegram dated June 13, addressed to the President of the Standard Oil Co. of California by the committee; and a reply from the president of the Standard Oil Co. of California addressed to the committee dated June 15.

I want to compliment Hon. Harold L. Ickes, Petroleum Coordinator, for the firm stand he has taken in this proceeding. The Standard of California was quick to disclaim any relationship to the New Jersey company when the special committee was exposing their dealings with the Nazis.

The Standard Oil Co. of California was very strenuously endeavoring to choke off the small refiners and distributors of gasoline during the emergency, and very frankly so admitted to the Petroleum Coordinator's investigator. I am of the opinion that perhaps the Standard Oil Co. of New Jersey may also wish to publish an advertisement similar to the one which was published by the Standard Oil Co. of California, which I ask also to have printed in the RECORD at this point as a part of my remarks.

There being no objection, the correspondence and advertisement were ordered to be printed in the RECORD, as follows:

JUNE 6, 1942.

Mr. H. D. COLLIER,
President, Standard Oil Co. of California, Standard Oil Building, San Francisco, Calif.

MY DEAR MR. COLLIER: In March of this year a complaint was made to the United States Senate Special Committee Investigating the National Defense Program that Standard Oil of California was seeking to monopolize the gasoline market of the Pacific Northwest. A thorough investigation was made by members of this office, and the report of the investigation compels the conclusion that the charge was not without foundation. This conclusion is based upon Standard's failure to cooperate in carrying out the provisions of Recommendations No. 11 and No. 29, issued by this office under dates of September 17, 1941, and January 14, 1942, respectively.

It appears that during the period following Pearl Harbor, the transportation problem of moving petroleum products from California to Oregon and Washington became very critical, due principally to the withdrawal of tankers from that service. It also appears that as a result of such withdrawals Standard was left in a more favorable position than other companies marketing in that area. In fact some companies were almost wholly without transportation facilities. To alleviate such a condition this office issued Recommendations No. 11 and No. 29, but despite repeated attempts by other members of the industry to formulate plans pursuant to the provisions of these recommendations for the pooling of transportation facilities, namely, tankers, Standard refused either to participate in such a plan or to grant tanker space to competitors. The record indicates that other members of the industry considered it useless to present a plan to this office which lacked the support of your company. Consequently, conditions which the recommendations sought to prevent arose, and there were periods of scarcity of petroleum products in Oregon and Washington. In fact, I am advised that some companies were actually without products, particularly fuel oils, for a time.

I realize that Standard was also affected by the shortage of transportation facilities, but the effect on that company was not proportionately as great as on some of the other companies. Therefore, solely as a result of the emergency, Standard was placed in a more favorable competitive position, which, under the circumstances, became an unfair competitive position. Other than the loan of products, Standard did nothing to correct that position, although requests from this office in the form of recommendations were made of your company to do so. The lending of products, while commendable, was not enough. The borrower is at the mercy of the lender and his competitive position is tenuous, to say the least.

Moreover, I am concerned with the manner in which loans of products are repaid. Unless the parties stand on an equal basis, such loans should not be turned into sales under any circumstances. If the borrower is unable to return the products to Standard in Oregon and Washington, then Standard should accept products at such place as the borrower is able to make the return, with the difference in freight rates accounted for, of course. The reason for my concern in this respect is quite obvious. If such loans are turned into sales, outlets for their products are denied the borrowers. This is especially serious in the case of refiners who do not market directly in the Northwest but who sell through distributors or jobbers.

Members of my staff and I have from the very beginning taken the firm position that it would be our aim, insofar as it should prove possible, to have the operations of the petroleum industry so conducted that the burdens of the war would be shared equally by large and small alike and no company permitted, by virtue of wartime conditions, to improve its position at the expense of its competitors. I am, therefore, requesting that your company take steps to assist this office in carrying out that aim. In order that past inequities be corrected, I specifically request that you accept return of products loaned by you, at the location of the borrower's refinery or in the case of a distributor at the location of his supplier's refinery; or if you desire that the loans be repaid in the Northwest, tanker space should be made available by you for such return. So that there shall not be a repetition of the conditions hereinabove referred to, I further request that your company do everything possible to carry out the recommendations issued by this office, with particular reference to the formulation of plans to carry out the provisions of Recommendations No. 11 and No. 29.

I should appreciate receiving your personal assurance that my requests will be followed. However, if you have any reasons why it will be impossible to comply with any or all of the requests, I shall be pleased to receive them.

Sincerely yours,

_____,
Petroleum Coordinator for War.

OFFICE OF PETROLEUM
COORDINATOR FOR WAR,
Washington, June 8, 1942.

MY DEAR MR. FULTON: Pursuant to my instructions as set forth in my memorandum of March 6, 1942 to Dr. John W. Frey, Director of Marketing, Office of Petroleum Coordinator for War, I have now had completed a thorough investigation of the complaint made to Senator MON C. WALLGREN of Washington, and yourself, to the effect that the Douglas Oil & Refining Co., of Los Angeles, has been prevented from supplying gasoline to the Maxwell Petroleum Corporation of Tacoma, Wash., and that the Standard Oil Co. of California in this and other respects was seeking to monopolize the gasoline and other markets for petroleum products in the Pacific Northwest. A copy of this memorandum was filed with you on March 6, 1942, and shortly thereafter Dr. Frey left for the Pacific coast where he spent approximately 1 month conducting a survey of the entire situation. Since his return, the material which Dr. Frey collected has been exhaustively reviewed, and I now wish to submit to you the following conclusions:

1. Contract between Douglas and Maxwell: On October 18, 1940, Douglas entered into a contract with Maxwell to supply all of Maxwell's requirements of gasoline from and after the completion of the Douglas refinery, which was then building, until April 1, 1951. The contract provided that Maxwell should take delivery of products in Los Angeles thereby placing the obligation to provide transportation to the Northwest upon Maxwell. The contract also contained a cancelation clause giving either party the right to terminate on 1 year's written notice after April 1, 1942. Although it was expected that deliveries would commence in April of 1941, the final completion of the refinery was delayed until December 1941, and no shipments were made from such refinery until September 27 of that year. During the interval Douglas acted as a broker for Maxwell by purchasing gasoline for their account in the Los Angeles market. Although the prices which Douglas had to pay for this gasoline were generally somewhat higher than those provided in the contract, Douglas absorbed the difference. Subsequently, when the refinery was completed, open market prices for gasoline in Los Angeles had generally declined below those provided in the Douglas-Maxwell contract and have remained depressed ever since. According to Douglas, this condition caused Maxwell to become dissatisfied with the contractual arrangement and led to numerous threats on the part of Maxwell to serve notice of cancelation of the contract. It appears that because of this feeling between the parties, Douglas expected Maxwell to follow practices which would make it unnecessary for that company to purchase from Douglas. Accordingly, when Maxwell liftings were reduced materially in the early months of this year, Douglas suspected that company of purchasing its requirements elsewhere.

During the months of January, February, and March Maxwell's liftings from Douglas averaged only 189,000 gallons per month, whereas, the liftings for the last 4 months of 1941 averaged 641,000 gallons per month. This sharp reduction in liftings was due to the lack of tanker transportation facilities. Immediately following Pearl Harbor, the transportation situation on the west coast became critical. The Hillcone Steamship Co., which carried Maxwell's gasoline, lost the service of one of its two tankers in January, and the sailings of the remaining tanker were not as frequent as prior to the war. Other relatively small companies using this service were in the same position as Maxwell. Maxwell's greatest concern during this period appears to have been the difficulty of obtaining fuel-oil supplies which, however, did not concern Douglas because its contract was for gasoline only. Stocks of fuel oil were extremely low and some marketers were without these products for several days. Neither Maxwell nor the others were ever completely out of gasoline, however.

Dr. Frey called on Mr. G. W. Stratton, president of Douglas, and other officials of that company, and reports that they had been under the impression that the companies marketing in the Northwest were operating under a pooling arrangement whereby the major companies, including Standard Oil of California, were selling to Maxwell and others. This conclusion led to the fear on the part of Douglas that their Maxwell outlet would be lost. According to Maxwell, however, although he did borrow from companies in the Northwest during the period of acute tanker shortage, none was purchased. Insofar as Dr. Frey was able to determine, this was true and he so advised Mr. Stratton.

Summarizing the Maxwell-Douglas phase of this matter, the following facts have been established:

(a) The interruption of Maxwell's tanker service to the Northwest, caused directly by the outbreak of the war, was the primary cause of diminished liftings of gasoline from Douglas.

(b) Since Standard of California was possessed of relatively greater tanker carrying capacity in proportion to its then existing sales outlets in the Northwest, it could, had it followed our direct request as set forth in recommendation No. 11 (a copy of which is enclosed), have done much to alleviate this condition by providing cargo space to Maxwell for lifting gasoline from Douglas. This Standard refused to do, electing instead, and then only after pressure from my office, to loan products to the smaller marketers in the Northwest.

(c) The foregoing product loans did prevent the elimination of Maxwell and others in the Northwest as independent marketers of petroleum products, but there can be no question that such loans did not protect Douglas and could have protected Douglas only if Standard had been willing either to carry cargoes from Douglas to Maxwell for repayment of the loans, or if Standard had been willing to receive repayment from Douglas in Los Angeles rather than in the Northwest.

(d) Douglas can be kept whole as of the present date if repayment for the products borrowed by Maxwell are made with Douglas products received either in Los Angeles by the loaning company or in the Northwest through tanker transportation made available to Maxwell for lifting Douglas products in Los Angeles. I am addressing such a request to Standard, a copy of which is enclosed.

(e) It should be noted that Maxwell is likely not to be too anxious to repay its borrowings with Douglas products for the reason that Maxwell may well be able to settle these loans by purchasing gasoline from the loaning company at prices below those provided in the Maxwell-Douglas contract. Moreover, in order to avoid any misunderstanding about the conduct of Douglas as a refining organization, I consider it my duty to point out that that organization has itself flagrantly violated recommendation No. 19 of this office which requests all California companies to transport and purchase only crude oil produced in accordance with those principles of conservation necessary to maintain our supplies for the duration of the war. I am enclosing a copy of the recommendation and desire to state that I have positive evidence that Douglas has, within the past few months, purchased tens of thousands of barrels of so-called hot oil produced by a single hot-oil operator by the name of Heise in the Ventura Avenue field.

2. Activities of Standard Oil Co. of California: Dr. Frey's report leaves no room for doubt that up until very recently the conduct of Standard of California in relation to the war effort of the petroleum industry and the effort of my office has been anything but helpful. The position which it took in the Pacific Northwest, of which the Douglas-Maxwell incident is but one example, is illustrative of what seems heretofore to have been its attitude and which I hope is now being corrected.

Apparently this Standard company saw in the wartime situation what it believed to be an opportunity to use its superior physical and economic resources to improve its sales position at the expense of its competitors, who were less fortunately situated. Both the Deputy Coordinator and I have from the very beginning taken the firm position that it would be our aim, insofar as it should prove possible, to have the operations of the petroleum industry so conducted that the burdens of the war would be shared equally by large and small alike and no company permitted, by virtue of wartime conditions, to improve its position at the expense of its competitors. This was one of the reasons for the issuance of recommendation No. 11, signed by me, and for recommendation No. 29, signed by the Deputy Petroleum Coordinator.

In my judgment, it would be hard to find a more clear-cut case of what the Deputy Coordinator and I have had in mind in establishing the foregoing policy than that exemplified in this tanker situation on the Pacific Northwest. Prior to the war, Standard of California built and acquired a tanker fleet of its own to move its products. No doubt this was a sound thing for it to do. There were others, however, who depended upon chartering boats in the open market. This for them was the sound thing to do. But neither those who owned their own fleets nor those who chartered from others did what they did in contemplation of war. Rather, each did what he thought best for himself at that time. Then came the war, and the Government virtually commandeered tankers on a percentage basis. Standard of California, having a greater surplus of tankers in relation to its Northwest markets than did others, was thereby put in a position, through no action of its own but purely as a result of the war, to supply not only all of its own sales outlets but also to take over some of those of its competitors. Indeed, some of Standard's officials even went so far as openly to avow that they would use their relatively more plentiful transportation facilities to accomplish this very result, and its marketing vice president pridefully said to Dr. Frey that he had become what he called competitive. As I see it, he might more properly have characterized his acts as setting a course to eliminate competitors, either in whole or in part, at a time when, because of the war, such competitors were unable to protect themselves.

During the past few weeks, as a result of constant pressure which has been exerted both by my Office, including myself, the Deputy Coordinator, and Dr. Frey, as well as by various members of industry committees on the west coast, appointed by me, Standard of California appears to have demonstrated a somewhat more cooperative attitude. Certainly, it has come a long way since that time late last fall when, as reported to my Office by the chairman of the industry marketing committee and two of its members, the Standard representative on such committee flatly stated that it was his view that the committee should sit passively by awaiting the recommendations of the Petroleum Coordinator and thereafter fight them.

In conclusion, may I say that Standard's refusal to cooperate with my Office has not resulted in driving Maxwell, Douglas, or others out of business, but it did create unnecessary hardship, and it is quite apparent

that such a policy, if continued, might result in very serious consequences. No satisfactory explanation was given Dr. Frey by Standard officials for their past lack of cooperation, and the other companies quite naturally believed it useless to submit a plan for sharing tanker space in accordance with the provisions of recommendations No. 11 and No. 29 when the largest owner of tankers refused to join in this effort. I sincerely trust that the request which I am now addressing to Standard will cause it to cure whatever past inequities have occurred and that henceforth we shall have no repetition of such incidents as you have brought to my attention. Of course, you realize that my Office, as created by the President, is only an office of coordination and consequently there are no statutory penalties which could be invoked to deal directly with an offending company. We have been compelled, therefore, to accomplish a correction of this situation through persuasion and such influence as could be brought to bear by the vast majority of those within the petroleum industry who have from the beginning given my Office complete support.

I appreciate the helpful interest which the committee, Senator WALLGREN, and yourself have taken in this matter. If you desire any further information, I will be glad to furnish it.

Sincerely yours,

HAROLD L. ICKES,
Petroleum Coordinator for War.

Mr. HUGH A. FULTON,
Chief Counsel, Special Committee Investigating the National Defense Program, United States Senate.

JUNE 13, 1942.

Mr. H. D. COLLIER,
President, Standard Oil Co. of California, Standard Oil Building, San Francisco, Calif.:

Please inform Special Senate Committee Investigating National Defense Program by telegram today whether Standard Oil of California is prepared to give unqualified acceptance to request of Petroleum Coordinator in letter June 6 to you. If Standard Oil of California is not prepared to do so, please inform committee exact action Standard Oil of California contemplates and reasons why it will not follow recommendations of Petroleum Coordinator.

HUGH A. FULTON,
Chief Counsel, Special Committee Inmittee Investigating the National Defense Program.

JUNE 13, 1942.

HUGH A. FULTON,
Chief Counsel, Special Senate Committee Investigating the National Defense Program, Washington, D. C.:

Replying your telegram today, while not accepting Petroleum Coordinator's criticisms of company's conduct, Standard Oil Co. of California is prepared to give unqualified acceptance to specific requests of Coordinator in his letter June 6 to me, except that relating to recommendation No. 11. Since recommendation No. 11 was issued, our tankers have been requisitioned by United States, and matter now rests solely within jurisdiction of War Shipping Administration. Concerning recommendation about return of borrowed products, Standard is quite willing to accept repayment in kind at points convenient to borrowers. None has asked Standard to accept repayment at any point different from that where loan was made. Concerning recommendation No. 29, Standard has been active in compliance with this recommendation in all respects and will continue this policy. Complete reply to Coordinator's letter has been delayed pending collection of data and review by executives, whose time last week has been much occupied by meetings of local committees under Coordinator, but I hope to transmit written reply Tuesday.

H. D. COLLIER.

[From the Los Angeles Examiner]

The Standard Oil Co. of California is in no way whatsoever involved in the assertions of the Department of Justice concerning relationship between the Standard Oil Co. of New Jersey and Axis countries. This company is not in any way interested in the patents for the manufacture of synthetic rubber under discussion.

STANDARD OIL CO. OF CALIFORNIA.
MARCH 27, 1942.

THE ALUMINUM CRISIS—CONFUSION CONTINUES TO BE THE KEYNOTE OF THE ALUMINUM PROGRAM

Mr. LA FOLLETTE. Mr. President, I desire to discuss what appears to be a crisis in the production of aluminum, a strategic material which has a very great bearing upon the success of our war effort.

At the outset I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks certain newspaper clippings which support, in part, some of the statements which I shall make in the course of this address.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

(See exhibit A.)

Mr. LA FOLLETTE. Mr. President, dreamy optimism will not win the war, nor will vague, misleading generalities end our shortage problems. The oldest bottleneck of the war production program—aluminum—is still plaguing the aircraft and other war industries. Glenn L. Martin told the press recently that his production of bombers was 20 percent below capacity because he cannot get all the aluminum he needs. But the same day Jesse Jones assured the Senate Banking Committee that "it looks like we are going to have ample aluminum." Alcoa added to the confusion with the retort, "if Glenn Martin isn't getting his aluminum, the fault lies somewhere else," intimating that the aircraft scheduling unit of W. P. B. is at fault. Bombers are too important for us to be content with buck passing. We must find out now what is wrong while we can still remedy the situation and not wait for disaster to give birth to a post mortem.

Ever since the summer of 1940 when the national defense program was initiated, the aluminum program has suffered from confusion and the kettle-calling-the-pot-black sort of faultfinding. Attempts have been made in the past to explore the situation, but they never went far enough. Some improvements resulted from the Truman committee hearings but, as the investigations subsided, old evils returned and basic deficiencies remained untouched. Take for example the fact that although the aluminum section was one of the most severely censured branches of the old O. P. M., it was carried over into W. P. B. lock, stock, and barrel.

ALCOA IS STILL IN CONTROL OF THE ALUMINUM INDUSTRY

The principal objection to O. P. M.'s handling of the aluminum program was that it put its trust in Alcoa and almost completely ignored, and even discouraged, Alcoa's competitors. While under attack by the Truman committee, O. P. M. announced with much fanfare in the summer of 1941, that there were to be four independent aluminum producers under the new Government financed expansion program. But there was no public announcement when two of the four decided not to enter this field; nor has there been a frank disclosure of the fact that the further expansion announced in February of this year has been assigned 100 percent to Alcoa. Consequently, if the present arrangement prevails, Alcoa will operate about 90 percent of the aluminum capacity in this country. With the independents accounting for less than 10 percent of the total capacity, Alcoa's monopolistic control has been strengthened rather than curtailed by the war production program. Criticism of past practices was not enough to bring about lasting changes. Alcoa and its friends appear to be sufficiently influential and resourceful to survive these temporary storms of criticism.

What is needed is a thoroughgoing analysis of current conditions and a basic, constructive reorganization of the governmental machinery for administering the aluminum program, not another set of committee hearings. Once and for all let us nail down the causes of Glenn Martin's aluminum shortage and get rid of them. For 2 years now we have muddled along, practically letting Alcoa direct the program. This may have made it easier for the defense agencies back in 1940, but now that we are at war I am convinced it is a policy fraught with danger for the country. Why should we be so largely dependent on the judgment of a single private corporation for the supply of so essential a war material as aluminum? Such a course is particularly reckless, in view of the fact that maximum output is the goal of the war production drive, while this particular corporation, Alcoa, has for 50 years successfully pursued the policy of restricting production to that level which would enable it to remain a monopoly. Unrestricted expansion and distribution, therefore, run counter to the natural and acquired characteristics of Alcoa.

ALCOA'S MONOPOLISTIC POLICY DEPRIVED US OF ADEQUATE WAR PREPAREDNESS

The aluminum bottleneck is neither an act of God nor an inevitable disaster, as some would have us think. It is largely a corporation-made catastrophe, born of monopoly. In two respects the aluminum situation is worse than that prevailing in any other basic war industry. First, only one corporation, Alcoa, is experienced in the production of aluminum and that same company dominates the most strategic fabricating branches of the industry, such as aircraft sheet, forgings and extrusions. Second, its available facilities were being used at capac-

ity even before the defense program got under way 2 years ago. Both conditions are directly attributable to Alcoa's historic policy of keeping the industry unto itself and preventing the rise of competition.

For half a century Alcoa maintained a constant vigil against the intrusion of independent producers. It bought them out or discouraged them by one device or another so that they gave up before long. The net consequence is that, due to Alcoa's policy, the Government has the dismal choice of either putting its entire faith in this one corporation or entrusting part of the expansion program to inexperienced and untried producers. Instead of having the benefit of concurrent expansion by a number of seasoned operating companies, the war agencies have found it necessary to limit themselves primarily to what Alcoa can do by itself.

On the second count, that of spare capacity, Alcoa is equally responsible. Aluminum was the only basic war industry without extra productive facilities when the defense program began 2 years ago, because it was one of the very few cases of perfect monopoly. When there are no competitors, a monopoly can keep its capacity down to the abnormally low level which guarantees it an easy sale at a fat profit for all it produces. Alcoa did just that and thereby deprived this country of that safety margin of surplus capacity which is a byproduct of real competition and a godsend in times of emergency.

Alcoa's traditional high-price policy brought in its wake particularly disastrous results from the viewpoint of war production. Unreasonable prices during the past two decades discouraged the use of aluminum by the automotive industries. Under normal competitive conditions they would have used huge quantities of this modern, light metal. To meet their needs the aluminum industry would have had to increase substantially its facilities for producing and fabricating aluminum. If Alcoa had not halted this trend toward a bigger aluminum industry, these extra facilities would have been available for defense or war production when the emergency arose, thereby reducing, and perhaps even eliminating, the aluminum bottleneck.

In view of the way monopoly has warped and repressed the aluminum industry, it can be asserted that but for the policy of Alcoa the aluminum crisis would be far less serious and much easier to conquer than is actually the case today.

ALCOA HAS DEFAULTED ON ITS PROMISES TO MEET THE NATIONAL EMERGENCY

The events of the past 2 years show that Alcoa has not dealt adequately with the aluminum problems which arise during a national emergency. When the defense program was inaugurated 2 years ago Alcoa promised that it would meet all requirements, both civilian and military, and that it would provide all the additional capacity required by the program. On both counts it has failed miserably. It appears to have made these promises recklessly in order to dissuade the Government from creating independent sources of aluminum.

Shortages and priorities developed in aluminum before they appeared in any other industry. Civilian requirements have not been met since February 1941 when priorities were established. From all indications, such as complaints of aircraft manufacturers and the change-over to plywood planes, even military needs are not being satisfied. These shortages and priorities necessitated a sudden and ruthless curtailment by civilian aluminum manufacturers which meant unemployment for cooking utensil workers in my State, as well as for many others throughout the Nation. Shortages, priorities, and unemployment—these were Alcoa's first contributions under the defense program.

Alcoa has also failed with respect to the financing of new plants. Since the summer of 1941, the Federal Government and not Alcoa has paid for substantially all the expansion of aluminum productive capacity, to the tune of $568,000,000 of public funds. Whether or not defense officials were justified in 1940 and 1941 in putting their full trust in Alcoa is of historical interest only and I do not want to waste time arguing that question. As a practical matter, even if they were justified then, developments during that time and right down to date clearly establish that there is no good reason for continuing to put nearly all the Government's aluminum eggs in Alcoa's basket. An initial error is understandable, even though not justifiable, but to persist in this course is worse than stupidity.

Not only did Alcoa fail to keep its promises but it went further and tried to cover up its deficiency with overoptimistic, misleading advertisements and public announcements. It minimized the shortage, describing it as a pinch in the supply which was more or less a temporary matter. Analysis of the testimony of its officials before investigating committees would also show that Alcoa has customarily confused rather than clarified the issues under inquiry. Despite this situation the Federal Government has in effect placed the aluminum program almost completely at the mercy of this one company without providing itself with adequate means for checking Alcoa's performance and good faith.

ALCOA'S POLICIES HELPED TO GIVE WORLD LEADERSHIP IN ALUMINUM AND MAGNESIUM TO NAZI GERMANY

Recent disclosures of Alcoa's friendly ties with the Nazi government's principal stooge in the business world, I. G. Farben, accentuate the need for a thorough reappraisal of Alcoa's role in the war-production drive. In 1931 a world cartel in aluminum was formed, including the Germans as a direct member and Alcoa as an indirect member. Essentially the cartel protected the United States market from foreign competition but in return Alcoa had to limit its production and capacity to domestic requirements. Simultaneously with the consummation of the aluminum cartel, Alcoa entered into an agreement with I. G. Farben covering magnesium. An American partnership was created by Alcoa and I. G. Farben to enforce this agreement, the terms of which prohibited Alcoa from participating in the development of the magnesium industry in the United States, directly or indirectly, without the consent of I. G. Farben.

Let me say, Mr. President, that magnesium is only a little less important and vital to our war effort than is aluminum. Back in 1931 Alcoa thus gave the Germans effective control over the development of our magnesium industry and a powerful voice in the determination of the growth of our aluminum industry.

After Hitler came into power the Germans insisted that the aluminum cartel permit them to expand productive capacity and output without restraint. The other cartel members agreed to this modification for Germany, provided it did not result in the export of German aluminum to their protected home markets.

In other words, Mr. President, under the agreement those who were either directly or indirectly in the aluminum cartel granted the German manufacturers, after Hitler came into power, the right fully to expand productive capacity in Germany, provided they would not export any of their increased capacity and thus unset the domestic monopoly control of the other constituent members of the cartel.

Mr. LUCAS. Mr. President, will the Senator yield for one observation?

The PRESIDING OFFICER (Mr. ANDREWS in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. LUCAS. The Senator is making a most interesting argument, and many of the facts which he is now discussing were brought out before the Committee on Patents. After Hitler came into power in Germany, those contracts, as I understand, with the American concern and the English concern were renewed, and Hitler had complete information as to the contents of all the contracts between I. G. Farben and the different groups in this country. I desire to make the observation—and I am sure the Senator will bear me out as to this fact, which seems to me to be so important in connection with what was going on at that time—that, while Hitler and the Nazi group apparently knew everything that was going on, the Government of the United States and the Government of Great Britain were absolutely in the dark as to any of the contents of various international cartel agreements. That has seemed to me to be one of the most detrimental things which could happen to a country which was about to go to war, as Great Britain was at that time, and as we ourselves did later on. In other words, Hitler had the advantage. He took advantage under those contracts, to the disadvantage of this country, when this country was not in a position to know anything about the contents of the agreements.

That is the point which we have discussed in the committee, and I desired

to bring it out at this particular juncture in the Senator's able argument, and to say that from now on, so far as the Senator from Illinois is concerned, no international cartel arrangement can ever be made unless the State Department or some other governmental agency in Washington shall approve or endorse or register such agreement, so that the responsibility can ultimately be laid right at the door of our own Government, if anything of that sort should ever happen again.

Mr. LA FOLLETTE. I appreciate very much the Senator's comment, and it serves to buttress the point I am attempting to make. I agree with him 100 percent in the statement he has made concerning the disadvantage to our Government vis-à-vis the Nazi government because of this situation. I also desire to add a further comment in a slight digression; and that is—and the Senator will well remember it if he had an opportunity to be present, or I am sure he has read it—to refer to the able analysis of the utilization of cartels and corporations as a part of the Nazi economic war policy presented to the Senate Patents Committee.

Early the Nazis did an unusual thing, from a legal standpoint. They, of course, maintained and declared that all German companies owned in Germany were nationals of Germany, and would be treated as such, but they also announced a new doctrine, so far as corporate law is concerned, in my ken, namely, that American-owned companies in Germany were to be brought on all fours with the wholly owned companies situated in Germany, and that German-owned American companies, incorporated under the laws of the States of the United States, were to be placed on the same legal footing as wholly owned companies in Germany.

If Senators will pause to consider what that meant they will realize that the companies which were formed by I. G. Farben, or other great German trusts, in connection with American corporations, were, so far as German law was concerned, and so far as the activities of the German Government were concerned, regarded as being on the same basis and were treated in the same way as if they had been corporations wholly owned by German citizens and incorporated under the laws of Germany.

With Germany free to expand its production while all other producers, including Alcoa, continued to operate under cartel restrictions, the Nazis had the opportunity to become the world's largest aluminum producers.

How the cartel played right into the hands of Hitler is shown by a comparison of German and United States production for 1930, the year before the cartel was formed, and 1938, the year before the war broke out. In 1930 Germany produced less than one-third as much aluminum as did the United States, the figures being 31,000 and 104,000 metric tons, respectively. But by 1938 the Nazis had shot ahead of this country. Germany then produced 167,000 tons as against our 130,000—the relative increases in output from 1930 to 1938 being 439 percent for Germany and 25 percent for the United States. This contrast in relative development is all the more remarkable in view of the fact that Germany had neither domestic bauxite deposits, such as we have, nor the vast waterpower resources of this country.

Due to Alcoa's cooperation, the Nazis were able to exert even greater influence over our magnesium industry. It was kept pitifully small, a mere fraction of Germany's. I. G. Farben representatives were executives of the American Magnesium Corporation and the Magnesium Development Corporation, the partnerships set up here by Alcoa and I. G. Farben to operate their magnesium business. If Senators will bear in mind the doctrine of corporate law enunciated by the Nazis which I outlined a few moments ago they will see the added significance of this statement.

Alcoa was as much a partner of I. G. Farben in magnesium as Standard Oil of New Jersey was in synthetic rubber and the results were equally disastrous in both cases. Despite our anti-Axis prewar sentiments, and despite our declaration of war against Germany in December 1941, not until April of this year, 1942, were these intimate and dangerous ties between Alcoa and the Nazis broken. And even then, it was brought about only after a long investigation by the Antitrust Division and a Federal grand-jury indictment. It is significant that Alcoa preferred to pay fines and accept a consent decree rather than try to prove its innocence in a court of law.

Despite Alcoa's record, it has enjoyed a greater latitude under the war-production program than any other corporation of which I know. Because it was a perfect monopoly when the defense program began in 1940, Alcoa was the Government's only source of technical data on aluminum within the industry itself. Substantially, that situation has remained unchanged down to this very hour. During these 2 years the defense and war agencies have neglected to build up competent, independent staffs which could reach decisions and appraise conditions independently of Alcoa. As a result, we never had, and we do not have now, any machinery for checking up on what Alcoa is doing or what Alcoa proposes the war agencies of the Nation shall do. The urgent need for the Federal Government to step in and shoulder responsibility for the operations as well as for the financing of the aluminum program is indicated not only by what Alcoa has done in the past few years but also by the dangerous trend of the current expansion program. The goal of the war-production drive, maximum output right now, appears to be ignored whenever it conflicts seriously with the private business interests of Alcoa and other affected corporations. Illustrative of the general pattern are the arrangements which have been made for the mining of the ore of aluminum, bauxite, and its chemical purification.

BAUXITE

Government plants are unjustifiably being denied high-grade bauxite

The present plan of W. P. B is to use low-grade bauxite in the Government aluminum plants. Until now only high-grade bauxite has been used by Alcoa and it will continue to use high-grade bauxite in its own private plants. The Aluminum Section of W. P. B. contends that low-grade bauxite has to be used in the Government plants because domestic reserves of high-grade ore are limited and imports from South America are restricted by the shipping bottleneck. There can be no dispute about the shortage of ships but there is serious doubt as to whether domestic deposits of high-grade bauxite are as limited as Alcoa and other private mine owners would have us believe. This whole question of high-grade versus low-grade ore is important because the low grade requires more processing, more labor, and more chemicals than does the high-grade variety. If we turn to low-grade bauxite while high-grade ore is still available, we are wasting men, materials, and time, and are slowing down the war-production drive, insofar as aluminum is concerned, which is essential to the success of that effort. It is essential, therefore, to make certain that there is not sufficient high-grade bauxite to supply the new Government plant before deciding to run it on low-grade ore.

No such precautions were taken by the Aluminum Section of W. P. B. Long before it even knew what the high-grade bauxite reserves were, it decided to use low-grade ore in the Government plants. On September 15, 1941, Arthur H. Bunker, Chief of the Aluminum Section, told the Truman committee that—

> Our program suggests that not one single ton of high-grade bauxite enter into the production of aluminum metal—not 1 ton—because the demands on this country for high-grade bauxite, for which there are no substitutes at all, are very great.

That statement was made before any comprehensive survey of bauxite resources of this country had been completed, and so Mr. Bunker could not have known whether or not there was enough high-grade bauxite here for use in aluminum production. The first Nation-wide bauxite survey was released by the Bureau of Mines and the Geological Survey on November 1, 1941, a month and a half after Bunker's statement, and even that survey was inadequate. The Aluminum Section's decision to use low-grade bauxite for the manufacture of aluminum was, therefore, necessarily based on what they were told by Alcoa and other bauxite owners and not on independently ascertainable facts as to available reserves.

Private owners of bauxite deposits are palming off on the Government their low-grade ore

The views and recommendations of the private bauxite industry should not be taken at face value, because they have every incentive to minimize the utilization of high-grade bauxite and to maximize the consumption of low-grade ore during the war period. Until now low-grade bauxite has had very little marketability in this country. After the war, with the superabundance of ships, high-grade bauxite from South America will come into this country at low enough prices to drive low-grade domestic

bauxite out of the market. Consequently, the war period is the only time when the owners of low-grade deposits can realize any attractive profits on these otherwise worthless ores. Naturally, while the war market lasts, bauxite owners will do all in their power to dispose of the inferior bauxite.

As for high-grade bauxite, the situation is entirely different. Relatively speaking, the available supply of high grade is considerably less than that of low grade, while the market for it is larger and more stable. Domestic high-grade bauxite commanded profitable prices before the war and is likely to do so after it is over. At least domestic high-grade bauxite will be better able to compete with South American bauxite than will low-grade ore. That is clear and plain on the face of it. Furthermore, the rising tax rates are constantly cutting the net profits so that the mining of high-grade bauxite may well be less profitable during the war than it will be afterward. Perhaps the most important influence bearing down on the owners of bauxite deposits is their fear that the unrestrained use of high-grade bauxite during the war will leave them without any high-grade ore for the post-war period in their own plants.

Mining is a "wasting asset" industry which means that every ton of high-grade bauxite mined and sold during the war depletes the supply available for sale during later years. Mine operators are particularly sensitive to this fact, when, as is the case with high-grade bauxite, their reserves may be exhausted by the war program. They naturally try to save themselves from the possibility of being put out of business. They urge the greatest use of low-grade bauxite, thereby reducing the demand for their precious high-grade ore, and, incidentally, reap windfall profits on the ordinarily worthless low-grade ore. Obviously, it is to the selfish interest of the private seller of bauxite to overstate the advantages of using low-grade ore and to play down the disadvantages of such a procedure.

Government officials have catered too much to private bauxite interests

Under these circumstances those responsible for the aluminum program should have found out what the extent of our high-grade reserves was, independently of the private owners. Instead, the defense officials have relied on Alcoa and other mine operators and have given prime attention to their interests and wishes. For example, Mr. Bunker told the Truman committee that bauxite deposits are one-third high grade and two-thirds low grade, and "since we want to operate that field by taking a cross-section of ore out," it will be necessary to mine two tons of low-grade bauxite along with every ton of high grade. What he failed to state is that there is no technological necessity for "taking a cross-section of the ore" in any such ratio.

For over 40 years high-grade bauxite has been mined in this country without anyone finding it necessary to extract twice as much low-grade ore in the process. The only excuse for the kind of operations suggested by Mr. Bunker is that it nets the mine operators the largest possible profit. This war is not, or at least should not be, run to secure for private interests the largest possible profits. Instead of catering to the appetite for fat profits, W. P. B. should plan bauxite operations on the basis of the availability of reserves and nothing else. As long as there are high-grade deposits in existence, the use of low-grade ore is gross inefficiency. The crucial question is, therefore, how much high-grade bauxite is there in this country and how long is it likely to last?

High-grade bauxite reserves are ample at least until 1946 or 1947

Since Government officials were willing to rely on the data and advice supplied by private industry, no thorough check up has been made of this country's high-grade bauxite reserves. Alcoa, however, did make a survey of the Arkansas resources in connection with the recent antitrust trial. Its experts estimated that Arkansas had between 20 and 30 million tons of high-grade bauxite on May 1, 1940. This estimate probably tends to understate rather than exaggerate the size of these domestic deposits because Alcoa was interested at the time in proving that it had to go abroad to assure itself of an adequate supply of raw material. Mining operations between May 1, 1940, and January 1, 1942, probably reduced the Arkansas reserves about 1,000,000 tons. We, therefore, started 1942 with nineteen to twenty-nine million tons of Arkansas high-grade bauxite, as yet unmined.

Taking the minimum estimate of 19,000,000 tons, Arkansas could supply all the needs of this country, as they are now estimated until late in 1946 even if there were no accumulated stock piles or importations from South America. If Alcoa's more optimistic estimate is used as the basis of calculation, these deposits would last until 1950. A more realistic computation would take into account the fact that a substantial stock pile of high-grade bauxite was available at the beginning of this year and considerable quantities of Guiana bauxite are still reaching our ports. Recognizing these factors, the date of exhaustion would probably be postponed until late 1947 or 1948 even if Alcoa's estimates are taken at their minimum.

The sharp contrast between Alcoa's estimates and Mr. Bunker's statements indicates how badly the elemental question of bauxite reserves has been handled by the responsible Government agencies. It appears from the information available to me that either the public officials are the innocent dupes of the private interests, or they are consciously helping the corporations preserve their best ores for more profitable post-war operations. Whichever is the reason, the situation is intolerable, and responsibility should be placed in more competent hands.

The country has been confused with respect to the bauxite program

Some of Mr. Bunker's statements on the bauxite situation make one wonder whether he was misled by private industry. For example, his statement was misleading when he flatly asserted, before the Truman committee that "our program suggests that not one single ton of high-grade bauxite enter into the production of aluminum metal—not one ton * * *." Mr. Bunker should have known when he made the statement that it was misleading. He knew that only the Government alumina plants were going to operate exclusively on low-grade ore while the private plants of Alcoa and Reynolds were to continue to use principally high-grade bauxite. He must have known these facts because such was the unfair and lopsided arrangement which he approved and helped put into force.

These misleading statements regarding the true state of affairs by the chief of W. P. B.'s aluminum section are inexcusable but they are understandable. Mr. Bunker was in an awful predicament. If he revealed all the facts, he would have had to run the gantlet of public denunciation and attack for applying the bauxite shortage to Government plants only. He would have been hard put to find the answers to such embarrassing questions as to why it was decided that no high-grade bauxite would be available for the Government plants, while, at the same time, it was decided to expand Alcoa's private plants to enable them to use even greater quantities of high-grade ore than they had ever used before.

Equally misleading were other assertions by Mr. Bunker about high-grade bauxite. He claimed that there were no substitutes for high-grade bauxite in the abrasive and chemical industries, implying that there was a substitute in the aluminum industry. As an engineer, Mr. Bunker should know better than that. High-grade bauxite is as essential to aluminum manufacture as it is to the production of certain abrasives and chemicals.

Mr. MURDOCK. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I am glad to yield.

Mr. MURDOCK. I am reluctant to interrupt the Senator's fine address.

Mr. LA FOLLETTE. I welcome the interruption.

Mr. MURDOCK. In connection with the discussion of bauxite, however, I wonder if the Senator's investigations have led him into the alunite field?

Mr. LA FOLLETTE. Mr. President, I am going to mention that as I go along, and if I do not touch upon it sufficiently I wish the Senator from Utah would supplement anything I have to say.

Mr. MURDOCK. I agree with the Senator as to much that he said with reference to Mr. Bunker, and I should like to add a great deal to it. I have run into the same barriers and the same obstructions which have confronted everyone else who has tried to interfere in any way with the aluminum program.

Mr. LA FOLLETTE. And, of course, the Senator's State, if he will pardon me, has a great interest in the subject because of the large deposits of alunite in Utah.

Mr. MURDOCK. That is true, and I think before the war is over the country

will find out that the high-grade alunite deposits of Utah are just as good and efficient for the production of aluminum as is high-grade bauxite.

Mr. LA FOLLETTE. And yet, Mr. President, the only plant, as the Senator well knows, for the use of that process will produce only about one-half of 1 percent of the total program as it has been thus far outlined.

Mr. MURDOCK. That is true; and we had the greatest difficulty in the world even in getting Mr. Bunker to approve that small amount.

Mr. LA FOLLETTE. You had to blast your way in to get one-half of 1 percent.

All three industries, that is the aluminum industry, the abrasive industry, and the chemical industry, require substantially the same quality of bauxite. When any of them resort to inferior grades of ore, preliminary purification becomes necessary. So no matter what Mr. Bunker says, the abrasive and chemical industries would be at no greater disadvantage than the aluminum industry if they had to use lower grades of bauxite.

As a matter of fact, the abrasive industry, at least, can curtail its consumption of domestic high-grade ore more advantageously than can the aluminum industry. In the manufacture of abrasives, the bauxite must be thoroughly dried first, it being heated preliminarily to the point where all the chemically combined water is driven off from the ore. The aluminum industry, on the other hand, uses a partially dried bauxite. Consequently, the ore boats bringing high-grade bauxite from South America to this country for the aluminum industry carry as cargo a substantial amount of water contained in the ore. If, however, the abrasive industry were to use this imported bauxite, the water could be dried out completely before shipment. The boats, the ships—and every Senator knows how precious every one of them is at this hour—used to meet the needs of the abrasive trade would then be able to carry 40 percent more bauxite than they do now. This shift from domestic to foreign bauxite by the abrasive industry would thus result in a more efficient use of our ships in the war-production program.

Neglect of alunite process aggravates raw-material shortage

The insincerity of W. P. B.'s position on the bauxite shortage is also revealed by its unreasonable, protracted, persistent, and dogged opposition to the alunite process. This process makes it possible to substitute alunite for bauxite as the raw material for aluminum. At first the Aluminum Section refused to have anything to do with it and did everything possible to discourage its sponsors. Yet I reemphasize that Mr. Bunker, chief of the section, before the Truman committee tried to defend himself on the ground that there was such a shortage of high-grade bauxite that he had to use low-grade ore in the Government's plant. However, the alunite people refused to give up, and, finally, after laying their case before the Truman committee and getting the approval of the Bureau of Mines, Government defense officials reluctantly agreed to include an alunite plant in the Government expansion program. This recognition is more of a moral victory than a material one, because the plant finally authorized is insignificant in size, accounting for only one-half of 1 percent of the industry's capacity.

Mr. MURDOCK. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. MURDOCK. I should also like to make the observation that, in my opinion, Mr. Bunker in allowing only the construction of a very small, impracticable unit for alunite, hoped to demonstrate the high cost of alunite, and thereby discourage its use in the production of aluminum.

Mr. LA FOLLETTE. Yes. And what do Senators suppose the record will be with respect to the Government aluminum plants when the post-war period comes? I was here, Mr. President, and saw the valiant Senator from Nebraska [Mr. NORRIS], who sits next to me, fight here an almost single-handed battle for years to save Muscle Shoals, and finally, as the result of that fight, because of his efforts, the great Tennessee Valley Authority under President Roosevelt was developed.

Mr. President, can you not hear Senators 4 or 5 or 10 years from now—God knows how long it will be, when the war is over—thundering in the Senate Chamber, telling that the Government's aluminum operation was a complete failure? They will say, "Look at the high cost of these Government plants. We must turn them over to Alcoa, or someone else who really knows how to operate this business." I can hear them all now, Mr. President. They will say the same thing about alunite.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HILL. Does the Senator doubt that that is one reason why the Government plants are using only the low-grade bauxite, so that the cost will run high and so that the high cost can be pointed to to illustrate the inefficiency, the waste, and the incompetency of anything that smacks of Government operation?

Mr. LA FOLLETTE. Of course, Alcoa is running these plants, but it will not bother them much to be in an inconsistent position, because all the way through they have been in an inconsistent position in this situation. Furthermore, there is the other reason I have suggested, namely, that because there is an admitted limit to the amount of high-grade bauxite in this country, it is to the advantage of the private operators to keep as much of the high-grade for themselves and for the post-war period as possible, because they know, or at least they have every reason to believe, that they can successfully compete with the high-grade bauxite from South America with their own high-grade bauxite, whereas they might find it difficult to compete with—indeed, they probably could not compete with—the low-grade ore unless there is technological advance, which there undoubtedly will be. I am not, however, touching on that question in this particular speech.

The excuse given for keeping the plant so small is that the reserves of alunite do not warrant a larger plant. According to the Bureau of Mines, Utah reserves alone could keep a plant six times as large as the one authorized running at capacity for 10 years. On the basis of the size of the plant they have permitted to be established the Utah reserves alone will make it possible to operate that plant for 40 years.

There are also alunite deposits in the State of Washington and, in addition, the process can be applied to aluminum-bearing clays which are abundant in the West. But most important of all is the basic contradiction in the W. P. B. Aluminum Section's attitude. If the shortage of high-grade bauxite is so severe that there is none available for Government plants, why has W. P. B. failed to make greater use of the alunite deposits? The answer is that, when it comes to discussing alunite, "we have planned that if the emergency so require, we can take care of this country's needs on the fully expanded program for a great many years from Arkansas." That is what Mr. Bunker told the Truman committee.

This kind of smart-aleck double talk on the part of the public officials in charge of the aluminum production program is intolerable. If there is enough bauxite for a great many years, why waste valuable shipping space to bring bauxite from Dutch and British Guiana? If, as is the case, ore reserves are limited and can be exhausted by a long war, the alunite process should be utilized to the maximum as a precautionary measure.

More direct and independent governmental action needed to rehabilitate the bauxite program

These and similar defects will permeate the bauxite program as long as a private monopoly continues to dominate public war policy in this field. There is a basic conflict between the narrow profit interests of the private corporations which mine bauxite and the welfare of the war-production drive. As has been shown, the pressure of the private operators is against a too rapid exploitation of our best bauxite deposits even though such a course is essential if maximum production is to be attained at the earliest possible moment. Private operators are also unhealthily interested in putting the Government plants on such an uneconomic basis as to prevent their being operated competitively after the war, although, as I have stated, the public already has $586,000,000 invested in aluminum plants.

The improvement of the bauxite program cannot wait until a private monopoly gets a broader and less selfish view of its role in this war. Government must step in firmly and tell this private monopoly in clear and unmistakable terms what is to be done in the public interest and in the interest of winning the war.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CLARK of Missouri. I do not want to divert the Senator from his very interesting discussion of the subject, but

does he not know that exactly the same situation exists with respect to other strategic materials, such as magnesium, iron, and steel? I do not think it can be successfully contradicted that there are in high Government places representatives of private industries in various strategic materials, who are acting as policemen to prevent exactly what the Senator said about aluminum—any possible competition of Government plants with private production after the war is over. They are willing to hamstring the Government effort at this time for that purpose.

Mr. LA FOLLETTE. I appreciate the statement of the able Senator from Missouri. I have not made the study of other materials which I have tried to make, with able assistance, in connection with the aluminum situation. In the future I intend to discuss further aspects of the aluminum situation, as time permits.

Production schedules for each mine should be determined on the basis of the need for the ore and not according to the owner's preferences. Instead of giving Alcoa and its friends all the wheat and the Government plants all the chaff, all should share alike. Everybody is in this war and must share equally in its obligations and sacrifices, so far as that is humanly possible. There is no reason why good and bad bauxite should not be allotted proportionately to private plants as well as public plants. As a matter of fact, since the new Government plants are more modern than Alcoa's plant at East St. Louis, a good argument could be made for giving the public plant more than its proportionate share of the high-grade bauxite. Under present war conditions, bauxite supply is a Government responsibility; and since private monopoly interests have failed to live up to the requirements of the situation and their promises, Government must accept all the burdens which go with that responsibility.

RECOMMENDATION

A centralized integrated Federal aluminum authority is needed

Other phases of the aluminum program have been handled as badly as bauxite has been and are as seriously in need of correction. Ever since the defense program began in the summer of 1940, the officials responsible for the aluminum branch have been excessively sensitive to the desires of private monopoly in this industry and inexcusably indifferent to the public welfare. Deposing the head man does not seem to make much difference, that device having been tried twice without producing any material improvement in the situation. What is needed is a reorientation of the entire aluminum program to cope with the peculiar conditions prevailing in a monopoly-dominated industry. It may be sufficient in other industries to concentrate primarily on the task of getting the companies already in the business to operate at top speed. In the case of aluminum, it is not enough since it is primarily a one-corporation industry. A specific formula must be devised to meet the situation, particularly since new companies have not penetrated the monopoly ring to any substantial degree.

Government must recognize that today aluminum is a war necessity, dominated by monopoly; and consequently its supply and distribution have become a Government responsibility. It must also face the fact that newcomers are loath to enter this industry because of its monopolistic atmosphere and pressures. Consequently Government has had to provide the funds for expansion ever since the summer of 1941. The direct investment of the United States Government in aluminum plants now totals $568,000,000. Mr. President, that is not chicken feed, even in these days of huge expenditures.

The public power developments which supply the electric power for almost all the public and private aluminum plants constitute a substantial indirect investment of public funds in the aluminum industry. All told, about three-quarters billion dollars of public moneys have been put into aluminum plants and auxiliary facilities. In contrast, the total assets of the private aluminum companies are about half a billion dollars, and a good share of that will be paid back to the companies through the special amortization provisions. Thus, even from a financial point of view, the Federal Government is the largest and most important factor in the aluminum industry today.

Whether we like it or not the Government is in the aluminum business in a big way. We have been driven into it as a result of the policies of a monopoly and as a matter of practical necessity, and not pursuant to any ideology. Alcoa forced us into it, not the radicals. The problems facing this unusual kind of public enterprise should therefore be met on the basis of business realities, and not theoretical objectives.

The question is merely, Shall we run our aluminum business in a way to win the war or continue the anomalous situation of having our most serious competitor, Alcoa, run our business? Is it at all reasonable to expect Alcoa to run the Government's aluminum enterprise efficiently and economically, and thereby create for the post-war years a formidable competitor? After battling for half a century to prevent the establishment of a competitor, is there much likelihood that Alcoa will voluntarily reverse its efforts and unstintingly devote itself to the task of locating, designing, and operating publicly owned plants as best it can? Yet, that is the premise on which the Government's aluminum program has been founded and has continued to operate down to the present hour. It is high time that this problem is faced squarely and the Government assumes full responsibility for its aluminum plants.

This new approach is meaningless unles it is implemented with appropriate machinery for putting the new policy into practice. Whatever may be the virtues of the present diversification of authority and responsibility among the various war agencies when it comes to other materials, it is unsuitable for aluminum. The Government's aluminum busines should be as integrated as Alcoa's enterprise. This means one comprehensive and cohesive unit, instead of a dozen different agencies dabbling in the Government's aluminum program. A Federal Aluminum Authority should be set up with full responsibility and equally broad authority. This all-inclusive organization could then staff itself with competent technical people who will enable the Government to stand on its own feet and not be dependent on Alcoa for the determination of executive policy in the aluminum field. Unless a centralized organization of the scope suggested here is set up, I venture the prediction that the war-production program as far as aluminum is concerned will continue to be warped by the overweening desire of private corporations to protect their post-war business and economic interests. A firm, independent attitude on the part of the Government in concept and in deed will be a powerful stimulus to the aluminum program. It will make possible, for the first time, the realization of the full potentialities of our country in this strategic war industry.

More fighting planes will reach our battle fronts when the aluminum crisis is ended

Every day the aluminum crises is allowed to continue we are failing to produce planes, and the United Nations are losing brave fighting men, who died unnecessarily for lack of them. The shortage of aluminum forgings has already lost for us one out of every five Martin bombers from this year's output, to mention only one large manufacturer. In the recent giant air raids over Germany the British lost only 3 to 4 percent of their bombers, according to reports, while because of this aluminum policy war we are losing 20 percent of them before they even go into action. This is no time for patience, excuses, and promises. Such strategic losses on the production front are intolerable, especially in light of the fact that because of the mishandling of the aluminum problem half such a loss is considered prohibitive on the fighting front.

Even more serious than the known losses is the inhibiting and paralyzing effect which the aluminum shortage has had on military developments and design. There have been promising reports on a 52-knot destroyer, but the fact that it required large amounts of aluminum—300 tons per destroyer—was considered a serious objection to its adoption. Likewise, development of aluminum-hulled torpedo boats has been hampered by the scarcity of aluminum. In the aircraft field, too, because of these shortages, there is a concerted desire to get away from aluminum.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MURDOCK. In yesterday's newspaper we read that because of the shortage of aluminum the Government had already contracted with a certain firm, the name of which I forget, for the production of airplanes from stainless steel.

Mr. LA FOLLETTE. The Senator has given an example in point. I appreciate

the Senator's help in buttressing my argument.

Training and cargo planes have been designed out of aluminum into plywood and steel. Whatever the relative merits of these materials, any change of design at this time means less output, a waste of valuable manpower, and a needless sacrifice of brave men fighting for the cause of the United Nations on the far-flung battlefront of this global war.

The shift is not an improvement but merely an effort to make more aluminum available for combat planes and bombers. Even fighting planes are being redesigned in some details, I am informed, to circumvent aluminum bottlenecks. All such redesigning to save critical materials means a loss of output without any compensatory gains in improved design or in production. Substitutions of materials will not win our production battles here any more than evacuations will win military battles abroad. An end to the aluminum problem will mean not only more planes but also better ones for our fighting men. I say, Mr. President, that they are entitled to the best that this country can produce for them.

Lastly, I should like to urge immediate attention to this pressing problem as a major step in the successful integration of the American and British war-production machines. It has been suggested in high quarters that the United States should concentrate on the production of bombers and the British on fighter planes. The benefits from this arrangement appear, to the layman, at least, to be many. They reputedly have the best fighters, we the best bombers. We could fly our bombers over, but we must crate and ship our fighters, losing ships and man-hours in the process. But bombers require much more aluminum per plane than do fighters, and therefore the adoption of this plan would require another big jump in aluminum production. This time, Mr. President, instead of listening while the monopolies explain why it cannot be done, let us listen to the men fighting and dying who would like to tell us it must be done and done now. And who knows best, those who can lose our war here or those who can win it for us over there?

EXHIBIT A

[From the New York Times of May 9, 1942]

PLANES AND SHIPS POURING INTO WAR—QUADRUPLING FLOW OF BOMBERS IN YEAR, MARTIN REGRETS LACK OF ALUMINUM SLOWING OUTPUT—TIME CUT BY BETHLEHEM—LIBERTY VESSELS TAKE WATER IN 90 DAYS, SOON IN 75, AS AGAINST SCHEDULE OF 105

(By Sidney M. Shalett)

BALTIMORE, May 8.—In a way, it was too bad that any wishful thinkers in the Axis camp, who would like to regard American manufacturers as complacent, could not have visited two war plants in the Baltimore area yesterday.

It would not have been good news for Hitler & Co., for they would have heard a pioneer aircraft maker complain because he was able only to quadruple his output this year and a big-scale shipbuilder promise to lop off more than 25 percent from the Maritime Commission's own time schedule for building "liberty ships."

The Martin bomber plants and the Bethlehem-Fairfield shipyard were visited by newspaper correspondents on the "production for victory" tour arranged by the National Association of Manufacturers.

At the bomber plant Glenn L. Martin, president and founder of the company, chose not to boast that 1941 production had been quadrupled. Instead, he charged—and in no uncertain terms—that the Government's early failure to give his company a sufficiently high priority rating, and the consequent flow of aluminum to his company on "a too little and too late" basis, had held down his potentional production by 20 percent.

At the 16-way Bethlehem-Fairfield Yard, which was not even organized prior to March 1941, officials told how 40 keels already had been laid; how the twenty-fifth "liberty ship" was to be launched the next day, and how 172 ships were scheduled to come off the ways before the end of 1943.

WAYS OF SPEEDING PRODUCTION

At both plants concrete instances of how new speed-up processes for manufacturing certain parts of ships and planes had cut precious hours—and even days—from production schedules were explained and demonstrated.

An official spokesman for the Maritime Commission sanctioned use of some specific figures pertaining to the 10,500-ton standardized cargo vessels known as liberty ships. Throughout the Nation two liberty ships are leaving the ways daily and a building schedule of 105 days has been fixed.

At Bethlehem, according to A. B. Homer, vice president, the schedule is nearing 90 days, and, according to J. M. Willis, general manager, a 75-day schedule is the goal.

Furthermore, Mr. Homer said, Bethlehem, which has 350 ships, naval and merchant, under construction at its various plants throughout the country, promises "to deliver merchant ships of approximately 1,000,000 tonnage" this year alone.

But the liberty shipyard, opposed as it is to the U-boat challenge, now holds the spotlight. The sprawling new yard employs 23,000 men, including 3,500 at a fabrication and preassembly plant.

The company was fortunate enough to find an old Pullman factory, virtually idle for 10 years, not far from the yard; the factory even was equipped with monster presses which, with a little adapting, could be turned to shipbuilding purposes.

The old plant is so big that complete plates for four ships can be fabricated and assembled there at one time. So now the steel plates pour in, are pressed into shape, riveted or welded together, roll out and are carried on flat cars to the yard, where the boys on a round-the-clock schedule bang them into ships.

A "BOSS PLATE" EVERY 2 MINUTES

T. S. McElroy, manager of the yard, said there were so many time-saving devices in the fabrication plant that they couldn't all be named. He explained one. There's a thing on a ship called a boss plate, two on the stern of each vessel.

When Bethlehem's men started building liberty ships they had to hammer out boss plates by hand over a forge. That took 2 days. So Bethlehem took an old Pullman press, rigged up a special die for it at a cost of $1,500, and now they stamp out boss plates automatically. It takes 2 minutes.

Bona fide assembly-line production is in progress at two of the Martin bomber plants in the Baltimore area.

It is not, of course, the moving assembly line of the pre-war auto plants, for planes aren't built that way. In one cavernous building, where the Navy's heavy patrol bombers, the PBM-3's, are built, the hulls are stacked in ways and specialized crews of workmen, each trained to a specific job, do the moving—not the planes.

In another vast building that was not even in existence a year ago, the B-26's, the Army's medium bombers, are turned out.

To the reporters was shown the 140,000-pound Mars, the largest flying boat in the world.

Mr. Martin expressed the opinion that with enough really huge transports and bombers like the Mars, the Panama Canal could be bombed out of existence, the battleship and a two-ocean navy could be scrapped, and still the country could get by.

[From the New York Times of May 9, 1942]

RECONSTRUCTION FINANCE CORPORATION ASKS $5,000,000,000 ADDITIONAL FUNDS FOR EXPANSION OF WAR INDUSTRIAL PLANTS

WASHINGTON, May 8.—Jesse Jones, Secretary of Commerce, asked Congress today to grant $5,000,000,000 of additional borrowing authority to the Reconstruction Finance Corporation so that it might carry on a vast program of war plant expansion, purchase of vital materials, and the financing of many other war activities.

Testifying before a Senate banking subcommittee, Mr. Jones said that the new funds would be needed to finance an aluminum plant expansion program, which he said would result in an annual capacity of 2,100,000,000 pounds of the metal by early 1943.

"It looks like we are going to have ample aluminum," the lending chief asserted.

"Production," he said, "already has reached a rate of 1,000,000,000 pounds annually, compared with 300,000,000 pounds 2 years ago and 540,000,000 pounds last year."

Mr. Jones said that commitments by the Reconstruction Finance Corporation and its subsidiaries in the wartime lending and spending program now totaled $14,300,000,000, of which $576,000,000 had been canceled for various reasons and $565,000,000 repaid.

"The total," he said, "was divided between $1,500,000,000 in loans and the remainder in purchases or investments. About $11,000,000,000 of the total," he testified, "had not yet been disbursed, although outlays had now reached $10,000,000 or $12,000,000 a day. Under present law the Reconstruction Finance Corporation may borrow $9,130,000,000."

"We've done a lot of interesting things, all of which cost money," Jones remarked.

He said that commitments for aircraft-plant production totaled $1,912,000,000; magnesium plants, $360,000,000; synthetic-rubber plants, $700,000,000; steel plants, $734,000,000; ordnance manufacture, $468,000,000, and shipyards, $182,000,000, out of total defense plants corporation commitments of $6,391,000,000.

"Magnesium production," he said, "would reach 600,000,000 pounds annually under the program, compared with 33,000,000 pounds a year ago, while synthetic rubber production would be 800,000 tons per year, compared with 25,000 tons last year. The program includes an increase of 10,000,000 tons in the annual capacity of steel plants.".

[From the New York Times of May 11, 1942]

GIANT PLANT POURS ALUMINUM SHEETS—IMMENSE WAR-BORN BUILDING OF ALCOA IN TENNESSEE IS LARGEST OF KIND IN UNITED STATES—MULTIPLIES PRODUCTION—IT AND OLD PLANT WILL GIVE 50 TIMES LATTER'S PRE-1939 RATE—BOTTLENECK SCOUTED

(By Sidney M. Shalett)

KNOXVILLE, TENN., May 10—The Aluminum Co. of America offered yesterday its rebuttal to the frequent accusation that aluminum is the bottleneck holding up the tools of war. It displayed its new war-born fabrication plant, a place so immense that the mind hardly can realize it actually exists and its production boss made the flat promise that by the end of the year it will be turning out 50 times more sheet aluminum—the stuff that goes into airplanes—than was produced prior to 1939.

The new plant is a giant among giants in the Nation's war industry—true, not yet a fully grown giant, but one that is going to perform awesome feats of strength once it reaches full growth.

One year ago, only a few steel girders marked the spot on the red clay hill in the Knoxville area where the country's biggest aluminum fabricating plant was to rise. Yesterday, newspaper correspondents on the "production for victory" tour of war plants, sponsored by the National Association of Manufacturers, saw how fast and how well the planners had built. It was up, it was in action, and from its miraculous mills, the war metal is rolling forth in shiny sheets, longer than city blocks.

SKIN FOR FIGHTING PLANES

The United States alone, by the end of 1943, will be producing 2,100,000,000 pounds of aluminum a year—more than seven times the amount produced 5 years ago—and Canadian ore will add another 400,000,000 pounds to the pot.

But the Aluminum Co., through its $215,000,000 self-financed war-expansion program intends to do all it can to maintain its position as the top aluminum producer.

Aluminum ore—alumina, as it is called—is derived commercially from bauxite, a mineral coming chiefly from South America and Arkansas. The soft-spoken aluminum makers of the Tennessee foothills are fabricating pig aluminum into skin for fighting planes, sinews for battleships, and other tools of war, and of what they promise to do further to win the war.

At the outset of the tour of the plant, A. D. Huddleston, regional manager, and E. M. Chandler, superintendent of fabricating plants, were informed that Glenn Martin, builder of bombers, had told the group 2 days before that lack of a steady flow of aluminum to his plant in the Baltimore area was cutting bomber production one-fifth.

REPORTS ON TIME DELIVERIES

"We are not behind," Mr. Huddleston said, "we are ahead. We are producing our monthly quota of aluminum, and more. We have a stock pile of several million pounds of aluminum, boxed up and ready to go out."

Mr. Huddleston explained that the Aluminum Co. does not fill orders as it did in the pre-war days. It makes its aluminum at the direction of the Government, and sends it out when and where the aircraft scheduling unit of the War Production Board at Dayton, Ohio, tells it. So, if Glenn Martin isn't getting his aluminum, the fault lies somewhere else, Mr. Huddleston said.

"He's getting everything we're told to give him—and on time," he declared.

Viewed as a purely physical spectacle, the new North Plant was tremendously impressive. The plant is so vast that the tour had to be made in midget trucks, not much bigger than an Army jeep. Molten metal was poured into 3,300-ton ingots; ingots were converted into huge "sandwiches" (two layers of high purity aluminum with a chunk of tough alloy between) and the sandwich went into two break-down mills of 7,000,000 pounds' pressure.

The metal came out of the mill reduced from 8 inches to three-quarters of an inch. Then it went to the continuous mill, which mashed it, rolled it, bounced it, sprayed it, and turned it out a block-long sheet no more than an eighth of an inch thick. Coiling, more heating, rolling, shearing, and trimming, and the aluminum, now in polished rectangular sheets, was ready for the plane factories.

The Aluminum Co. has another fabricating plant—the West Plant, near Knoxville. This plant, 20 years old, used to be considered "Pretty hot stuff" an official said, but now, alongside the North Plant, it looks as antiquated as a 1918 airplane. Still it turns out the aluminum.

It was Mr. CHANDLER who announced the production possibilities for the expanded aluminum company plant near Knoxville.

"In 1938 we saw the war coming on and rushed our expansion plans," he said. "In 1939, when our guess proved right, we doubled our production. In 1940 we doubled it again.

"In 1941 utilizing the West Plant alone we made 4.2 times as much as we made in 1939. In 1942, with the North Plant partly in operation, we now are producing aluminum at 13½ times the 1939 rate. And our ultimate goal, which we will reach by the end of the year, is 25 times the 1939 figure, or 50 times the pre-1939 rate. We can do it too."

[From the New York Times of June 4, 1942]

THIRTY PERCENT CUT IS SLATED IN STEEL, EXPANSION—SHORTAGES WILL REDUCE PROJECTED 10,000,000 TON RISE IN CAPACITY, BATT WARNS—PLANTS TO "PATCH, PRAY"—CIVILIAN GOODS WILL BE HELD TO MINIMUM SUBSISTENCE LEVEL, WAR PRODUCTION BOARD OFFICIALS DECLARE

(By John McCormac)

WASHINGTON, June 3.—The American people were warned today that "our civilian economy is fast going on a minimum subsistence standard," that industry must now get ready to "patch and pray," and that even many war materials are now short. The warning was delivered at a press conference by William L. Batt, chairman of the Requirements Committee of the War Production Board, and A. I. Henderson, newly appointed Director of Materials.

As an indication of the seriousness of the situation, it was declared that the previously planned 10,000,000-ton steel expansion program would be cut by 30 to 35 percent because of shortages in materials.

To keep the military machine running full blast and to produce enough goods for essential civilian requirements, it would now be necessary, said Mr. Batt, to plan at long range concerning the material requirements, and to make schedules carefully to meet them; to revise specifications to reduce the amounts of scarce materials used; to make a widespread use of substitutes, such as concrete or creosoted wood for steel, molybdenum for tungsten, and secondary molybdenum for virgin aluminum; to obtain a vast increase of civilian cooperation with the salvage program to speed up the flow of scrap, particularly of metals and rubber.

WARNS WORK MAY BE DELAYED

"As the vast production machine which has been created over the last 2 years swings into action," said Mr. Batt, "the difficulty of providing materials to feed it will become more and more apparent. I see times ahead when a shipway may stand idle for lack of steel and an ammunition line may slow down for lack of copper and brass.

"The past months have been relatively easy. The military has taken from the civilian to meet its needs. From here on out it will be a continuous problem to provide materials to meet the needs of our fighting forces."

Mr. Batt announced that revision of the war plant expansion program had been made necessary by the shortage of materials, particularly in metals. Although the steel industry was now operating at more than 99 percent of capacity, there is a shortage of steel.

Steel capacity has been increased about 5,000,000 tons. Of the projected 10,000,000-ton increase, now being reviewed by Donald Nelson, head of the War Production Board, probably only 65 or 70 percent would be completed, said Mr. Batt. About 70 percent at least of the projected increase in pig-iron capacity will be completed. Even the curtailed expansion program will cost about $1,500,000,000, of which industry would provide $500,000,000. This year's steel output may total 85,000,000 tons.

CUBA A SOURCE OF NICKEL

Discussing other metals of which there is a shortage, Mr. Batt said the Government had allocated $20,000,000 for the production of nickel in Cuba from 1 percent ore, while development of low-grade domestic manganese ores would cost the Government $40,000,000 and private industry $6,000,000. This development, which would produce more than 600,000 tons a year, would suffice with imports from Latin America to cover American needs, it was stated.

On chrome development the Government is spending more than $10,000,000 and private industry about $1,500,000. Development of low-grade ores in Montana will produce more than 500,000 tons of 40-percent chromium concentrate a year, some chromium continues to come from abroad and there is a sizable stockpile. A broad program of domestic tungsten production is expected to triple this year our 1939 output of 4,000 tons.

As regards aluminum, expansion completed or in progress will give a total supply in 1943 of more than 2,500,000,000 pounds of aluminum. The Government is spending $568,000,000 on this expansion program and private industry $85,000,000. Actual production of aluminum this year should be 1,083,000,000 pounds. Production of magnesium this year should approximate 170,000,000 pounds. The Government is spending $319,000,000 to finance the expansion and private industry $20,000,000.

HEAVY RISE IN COPPER USE

The Government is spending $180,000,000 for copper development and private capital $40,000,000. As compared with a 1939 consumption of 800,000 tons for civilian uses, about 1,800,000 tons of copper will be obtained this year from domestic production and imports and none will be available for nonessential civilian users.

The Government has a sizable stock pile of tin, is getting about 18,000 tons a year from Bolivia, and small quantities here and there around the world. But this is only a fraction of normal consumption of 100,000 tons a year, and means that glass and fiber containers will replace tin for civilian use.

In the expansion of chemical plants the Government and private industry are spending more than $1,500,000,000. Shortages exist in ammonia, butadiene, styrene, and other chemicals for synthetic rubber; sodium nitrate for fertilizer; chlorine, phenol, toluene, aniline, benzol, coal-tar products, fats and oils, and glycerine.

It was pointed out by Messrs. Batt and Henderson that the raw materials situation was at its worst now because it was necessary to build up backlogs for the new fabricating plants.

Never before has the United States had a national income of $110,000,000,000, and never before has so large a proportion of it been expended for the production of heavy goods, which consume enormous quantities of materials.

[From the New York Times of June 5, 1942]

MANY SUBSTITUTES BEING USED IN MAKING OF TRAINER PLANES—WOOD, PLASTICS, FABRIC, AND STEEL ARE TAKING THE PLACE OF ALUMINUM—AMOUNT OF OTHER METALS IS REDUCED

WASHINGTON, June 4.—Wood, plywood, plastics, steel, and fabric are being used in increasing quantities in the manufacture of training planes to save aluminum and other

strategic materials for combat types, the War Department said today.

Conversion has gone so far that one trainer has wooden fuel tanks. Use of steel in another model has saved 1,246 pounds of aluminum for each plane.

Use of substitutes has tapped new fields of skilled labor and new plant facilities. Thus, the furniture industry is making many subcontracted parts.

To conserve aluminum it has been decided that most twin-engined trainers must be of wood. Three types are planned for production, the AT–10, AT–13, and AT–15, each about the size of a medium bomber.

The Beechcraft AT–10 advanced twin-engined trainer, which has the wooden fuel tanks, obtains about 85 percent of parts for the body from subcontractors without previous experience in aircraft construction.

Careful designing reduced the metal used in the basic structure of this plane to 97 pounds, or 1.6 percent of the weight. Only 13 percent of the total gross weight of the trainer, excluding engines and propellers, is of metal, which is used for brackets, tail wheel attachment structure, spar attachments, engine nacelle attachment fittings, aileron hinges, wing fittings and the like. The fuel tanks are lined with synthetic material which can readily be patched or replaced.

The Fairchild AT–13 twin-engined advance trainer incorporates a number of scientific methods in handling modern plastic-bonded plywoods. The wings are of wood, fabricated under a special process, and the fuselage of wood with plywood covering.

The AT–15 Boeing Stearman advanced trainer has fabric-covered wooden wings and a fuselage of tube steel construction.

The North American AT–6 single-engined advanced trainer, soon to go into production, represents a revolutionary development involving the replacement of aluminum with low-carbon steel sheet, which is expected to prove comparable to aluminum alloy in strength, weight and safety. Use of plywood and steel on these trainers will eliminate 75 percent by weight of aluminum alloy, or about 1,246 pounds per plane.

The saving on 1,000 such trainers would provide enough aluminum for 400 pursuit planes or 150 medium bombers.

Another version of this plane, the AT–6A, calls for fabrication of the outer wing panels, wing tips, ailerons, flaps, tabs, and the entire empennage and rear monocoque section of the fuselage in resin-bonded plywood.

Redesigning of the Vultee BT–15 single-engined basic trainer saved 565 pounds of aluminum and 6 pounds of magnesium per plane. The fuselage, formerly covered with aluminum sheet, is now fabric covered. Redesigning of the earlier model, BT–13, is also being studied.

[From the New York Times of June 9, 1942]

ALUMINUM STREAM FLOWS ENDLESSLY—NEXT YEAR EXPECTED TO SEE AN OUTPUT ON BASIS OF 2,100,000,000 POUNDS—ROLLING SPEEDED FIFTYFOLD — ITS SOURCE FORMS ONE-TWELFTH OF EARTH'S CRUST—BIG JOB IS REFINING

KNOXVILLE, TENN.—Endlessly the silvery river flows like a mountain torrent, sunlight from high factory windows flashing in weird patterns against its eternal undulations. It is America's river of victory.

The silvery river is the everlasting flow of sheet aluminum through the presses and over the production line of the Nation's largest single industrial plant, located in the Nashville area by the Aluminum Co. of America. Up to the outbreak of war the strong, light metal, which forms a twelfth of the crust of the earth, was finding its way into many industrial uses—especially household wares and railroad trains—but it still was far from having found its place in the sun.

Despite the abundance, it was difficult to extract and relatively expensive. Within the next 12 months, however, the United States will be producing the metal at a rate of 2,100,000,000 pounds a year, more than sevenfold the production of 5 years ago, and enough to replace every railroad passenger car in the country three times a year.

This has been largely a triumph of engineering and technology. In one vital process alone at this plant, company engineers explain, the rolling of aluminum has been speeded up fiftyfold. Otherwise the factory, which even now covers more ground than any other plant in the country, must have been increased in size 10 times to give the same output.

PRICE FALLING STEADILY

In the last 2 years, due to these developments and the mass production which they made possible, the price of the metal has been cut from 20 cents to 15 cents a pound, and the end still is far from sight.

Today the entire effort is directed to winning the war. But in the company's laboratories are new aluminum alloys with copper, manganese and magnesium which promise to be stronger, lighter, and cheaper for peacetime industrial uses. They are not being brought into production at present because they still require much experimentation and it is unwise to change horses in the middle of a stream.

But the Aluminum Age may well succeed the Iron Age, now in its twilight.

No other American industry is watched so zealously by the Army and Navy. Every pound of the light, silvery metal is precious to the war effort and the new technical methods for its extraction and fabrication are closely guarded.

The manufacture of 2,000,000,000 pounds of sheet aluminum a year will require more electric power than was consumed in 1940 in 27 of the 48 States. The amount of current required to make a pound would light the average American home for 10 days. For every pound, 9 pounds of other materials are required.

PROGRAM BEGUN IN 1938

The present program got under way late in 1938, after Munich. War still was far in the future, but the Aluminum Co. officials saw that the country was bound to arm itself, especially in the air. The expansion, primarily undertaken to supply the needs of the aircraft manufacturers, has been stepped up as other needs have arisen.

The second phase came in October 1941, when the Defense Plant Corporation let the first contracts in a program to add another 512,000,000 pounds to the country's productive capacity. The third phase, first announced in February, will add about 600,000,000 pounds more. This is far more of the metal than, it is believed, the Axis Powers will be able to produce.

The abundance of aluminum is deceptive. It is far more common, for example, than iron. Any clay bank contains plenty of it. It occurs, however, in a finely distributed form and the job is to extract it. Most clays are too poor, unless recently devised processes prove highly successful, to be worked profitably.

The richest source is a red, hard clay, bauxite. This is not abundant in the United States. There are considerable deposits in Arkansas and much richer ones in British and Dutch Guiana. Bauxite is subjected to a chemical process, out of which comes a white powder which looks like sugar.

This is alumina, a combination of aluminum and oxygen. Before it can be made into a metal the oxygen must be removed. This is done by electricity, the cost of which is one of the chief items in the cost of the metal. The result is an aluminum ingot, of no use until it is pressed down into a sheet less than a sixteenth of an inch thick.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Glass	O'Mahoney
Andrews	Green	Overton
Bailey	Guffey	Pepper
Bankhead	Gurney	Radcliffe
Barbour	Hayden	Reed
Barkley	Herring	Rosier
Bone	Hill	Russell
Brewster	Holman	Schwartz
Bridges	Hughes	Shipstead
Brown	Johnson, Calif.	Smathers
Bulow	Johnson, Colo.	Smith
Burton	La Follette	Spencer
Butler	Langer	Stewart
Capper	Lee	Taft
Caraway	Lucas	Thomas, Idaho
Chandler	McCarran	Thomas, Okla.
Clark, Idaho	McFarland	Thomas, Utah
Clark, Mo.	McKellar	Tobey
Connally	McNary	Truman
Davis	Maybank	Tunnell
Doxey	Mead	Tydings
Ellender	Millikin	Vandenberg
George	Murdock	Van Nuys
Gerry	Murray	Wheeler
Gillette	Norris	White

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

PRESERVATION OF FREEDOM AND LIBERTY UNDER THE AMERICAN FLAG

Mr. RADCLIFFE. Mr. President, yesterday in celebrating Flag Day, we realized that our flag has recently taken on a new significance and has acquired added luster. A few years ago, in accordance with a resolution passed by the Congress of the United States, a committee, of which I was chairman, was appointed to arrange for the national celebration of the one hundred and twenty-fifth anniversary of the writing of the Star-Spangled Banner. That celebration, as Senators may remember, was held in September 1939, most appropriately, in Baltimore at Fort McHenry, where the Star-Spangled Banner was written, and it was largely attended. As we joined in that homage to our flag, none of us foresaw the events, momentous and tragic to this country and to the world, which have since happened. On that day in 1939, our flag was recognized as an outstanding symbol of liberty and democracy. Today most assuredly it is still so regarded, and with ever-increasing brilliance, glory, and promise.

Never before have the eyes of the world looked more intently and eagerly upon the flag as an outstanding symbol of justice and of humanity. Our flag bears witness today that the cause of liberty, though fiercely and cruelly flouted and assailed, is more firmly entrenched than at any time since the bloody war of aggression against Europe was begun by the Nazis, and since the slimy treachery of Pearl Harbor.

It may be said that Germany and Japan, after making enormous conquests of territory, have not been required to surrender their loot; that they have not

been stopped in their tracks; that they are still carrying on their nefarious schemes of conquest. True it is, but the world for them is changing fast. We hear of the capture by the Germans of a city in Africa and of most violent assaults by them on Sevastopol. We realize the gravity of a pincer movement by which the African and European armies of Germany seek to form a coalition in Asia Minor and Suez, with the hope that they may join the Japanese forces in forming a continuous line of conquest from the Atlantic to the Pacific. We face the still but partially controlled fury of the submarine and the resulting menace to our shipping, and, thereby, to the cause of ourselves and our Allies. These events and dangers do not frighten us; they do not dishearten us. We now know that the Nazi might is not invincible, and must soon reckon upon a second front, being obliged to do what Bismarck had dreaded, that is, to fight at one and the same time upon both eastern and western fronts.

We know that in a short time the Japanese will be faced with a force which they cannot withstand. The battle of Midway Island a few days ago may not have turned the tide of the war, but it shows that the sinister schemes of the Japanese to dominate the Pacific will come to naught; that the day of reckoning for them and their fellow conspirators, Germany and Italy, is inevitable. The Axis Powers can see no end of signs of eventual defeat. The convincing demonstration of the effectiveness of our fighting forces; the indomitable patriotism and persistence of Russia; of Great Britain and her Dominions; of China; the epoch-making treaty between England and Russia and the understanding between the United States and Russia, both of which were recently announced; the rapid growth of the war resources of the Allies, especially in the air—all these are gloomy portents of disaster to the Nazis and their fellow conspirators against the peace and security of the world.

The world was shocked a day or so ago by the hideous destruction of a town in Czechoslovakia, by the murder of all the male citizens in that town, and by the carrying away of all its women and children. It was a cruel illustration of the kind of savage butchery which has made Tamerlane and Attila, the Hun, infamous in the pages of history.

Certainly this bloody act was prompted by a premonition of defeat. It betrayed the foreboding and the desperation which is beginning to possess the minds of the Nazis, especially as the haunting thought seizes them that their bloodthirsty efforts to superimpose their will upon conquered Europe will eventually fail completely, and that the nations which are now under their heel will, at the first possible moment, arise and drive out the bloody invaders. All these are signs of the times and they bring ever-mounting despair to the Axis.

For long dreary months those who resisted the Nazis could reckon upon little except hope. Now they see, actually or potentially, within their hands the means of stopping full in their tracks the Axis marauders and of driving them back to their own countries, thereby relieving the world from the incubus and misery of subjugation. The way to that end may be long, arduous, and fraught with much suffering, but quite definitely that gleaming goal is visible. It can be reached provided the members of the Allied Nations will make that effort of which they are capable. No one, whether in the ranks of the Allied Powers or in the hosts of the Axis, now doubts for a moment that such effort will be made, and made successfully. But we, the people of the United States, those of Great Britain and her dominions, of Russia, China, heroic Greece, and all the other peoples of the world who have been tortured by the brute might of the Axis, must put forth the greatest possible effort. This they realize and this they are ready to do.

It is necessary that we win a just peace. It is even more essential that we preserve it, after it shall be won. Peace will not be durable unless it is just. We must not make the mistake of 20 years ago, thinking that a lasting peace could be secured in one stroke, and that then the job was done. We believed at the time the Versailles Treaty, whatever its merits, was made that the task was really completed. We should have known that the work of keeping peace had only begun. Had we really understood the problem, many mistakes in policy could have been avoided, and probably the Nazis would not have attempted to clutch at world domination.

Almost invariably a patient underestimates the time necessary for a full recovery from a serious operation, or from any form of grave illness. Nature requires a long time before there can be a complete physical readjustment. Meanwhile, a sensitiveness of mood persists, and an erratic instability of opinion is often quite noticeable.

This result is true also of nations, especially those which have been subjected to severe strains, as from a long war. The recovery period really is protracted far beyond what apparently is necessary. Public opinion is fitful. Internal unrest and disorders frequently arise. Often there is an illogical discontent with what has been and is, and continued attempts at experimentation, often ill-advised, are characteristic of a nation in process of recuperation. Under the most favorable circumstances this war-racked world cannot heal readily. Sufferings have been too acute to permit of an easy and quick recovery. So, at the best, the next 20 or more years will be a period of continued convalescence. For years we must reckon with acute cases of the irritation of convalescence, as an inevitable problem in the life of nations, as it is in that of individuals. During those years, those of us who are young today will have much of the responsibility for international health. Never in history has such an opportunity been given to work for the healing of nations and the welfare of humanity. But do not be surprised nor disheartened if we meet again and again with the often-seen irritation of a convalescent.

We hear much in these days of stockpiles and inventories, of the vast number of airplanes which we are constructing. In fact, the suggestion a year ago that we might build as many as 50,000 airplanes a year seemed merely a fantastic iridescent, and Utopian dream. Now it is, in essence, reality. Already our rate of airplane production is greater than that of any other nation in the world. The submarine remains a serious menace, but we are building ships faster and faster. We are launching two a day, and soon three a day, and even more will be our record.

Our armed forces are increasing rapidly. They are being outfitted with all necessary equipment. Many of our mistakes are being rectified, and solutions have been found for many of our harassing problems.

In spite of setbacks, some of which should have been avoided, we have made tremendous progress in carrying out our war program under the farsighted, resourceful, and vigorous leadership of President Roosevelt, assisted by his many competent aides, and in cooperation with the Congress of the United States—cooperation which has been very effective.

The Bible says, in substance, that a people without vision will perish. We know that we need vision, sound and constructive vision. We know also that it is essential that we now do many concrete things, more in both variety and number than ever before. We must spend money freely whenever necessary for our war purposes. But we must economize, saving every dollar and every penny the spending of which is not essential. We must be ready to make any changes in our policies that our war program demands. But let us continue to cherish the basic principles of our Government, and to hold fast to those economic, industrial, financial, and political policies which have been so helpful in the building up of our Nation. Let us preserve them except insofar as the temporary demands of our war program require otherwise, or whenever our judgment, after very mature consideration, approves permanent changes.

As I said a moment ago, we hear much of stockpiles and inventories of war materials that are essential to our war program. One of the stockpiles which we are accumulating is very real, indeed, although it is intangible and invisible. It is the spirit of our people and of the people of our allies. It is the conviction that we will find such a solution to our problems as will bring an end to the insolent attempt of the Axis to subjugate and to control the world. That is not overconfidence. That opinion rests upon a clear knowledge of many dominant facts. One is that we are not going to be disheartened by further conquests of the Axis, should they occur. Another is that in this war we can finish successfully what we have begun.

So, when we consider our ever-mounting stockpiles and inventories of war materials, we realize that one of our most valuable possessions is our firm and unshakable purpose to help preserve for

ourselves and the remainder of the world freedom and liberty. We shall rest from our labors only when that essential and indispensable result shall have been accomplished.

CALL OF THE ROLL

Mr. JOHNSON of Colorado. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Glass	O'Mahoney
Andrews	Green	Overton
Bailey	Guffey	Pepper
Bankhead	Gurney	Radcliffe
Barbour	Hayden	Reed
Barkley	Herring	Rosier
Bone	Hill	Russell
Brewster	Holman	Schwartz
Bridges	Hughes	Shipstead
Brown	Johnson, Calif.	Smathers
Bulow	Johnson, Colo.	Smith
Burton	La Follette	Spencer
Butler	Langer	Stewart
Capper	Lee	Taft
Caraway	Lucas	Thomas, Idaho
Chandler	McCarran	Thomas, Okla.
Clark, Idaho	McFarland	Thomas, Utah
Clark, Mo.	McKellar	Tobey
Connally	McNary	Truman
Davis	Maybank	Tunnell
Doxey	Mead	Tydings
Ellender	Millikin	Vandenberg
George	Murdock	Van Nuys
Gerry	Murray	Wheeler
Gillette	Norris	White

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

THE HIGHWAY TO ALASKA—QUESTION OF PERSONAL PRIVILEGE

Mr. LANGER. Mr. President, I rise to a point of personal privilege.

It concerns a false and malicious charge against a majority of the Members of this body and myself appearing in an editorial in the Bismarck Tribune, published at Bismarck, N. Dak., in the issue of May 28, 1942.

I quote the editorial:

PAYING ON A MORTGAGE

Many North Dakotans were surprised when Senator WILLIAM LANGER blared forth with his opposition to the prairie road to Alaska. Since he is a Prairie State Senator everyone supposed that he would favor the prairie route.

But no one need have been surprised at this. Neither need they be surprised at many things Senator LANGER doubtless will do from time to time in the future. He has political debts to pay—and they are not owed to the people of North Dakota, but to the Senators who voted to keep him in the Senate.

When the Senate voted to seat Senator LANGER, by a count of 52 to 30, it was immediately clear that the North Dakotan was under a very real obligation to those 52 Members of the Senate. Politics being what it is—and Senator LANGER being the kind of man he is—only those who believe in Santa Claus will contend that North Dakota's junior Member in the Senate had not made plenty of promises.

Some of the men who voted to seat him doubtless would scorn to make a certain kind of deal. They refrained from defending Mr. LANGER'S record, but voted to seat him on the ground that North Dakota alone has the right to select its representatives. But others—of the "practical politician" type—would not hesitate to place a mortgage on a vote which they might need some day. It may be taken for granted that they did take such a mortgage on the Senator from North Dakota.

The best view of Senator LANGER'S action is that he is paying on the mortgage held by one or more Senators from the West Coast States who wanted the Alaskan road to extend northward through the mountains.

They had only to notify Senator LANGER that an installment on the mortgage was due to force him into action. There is no other explanation, whereas this is an adequate explanation.

It is a shameful thing that this condition exists. It is a handicap to North Dakota that it should exist. But only those who insist on closing their eyes to facts will miss further evidences that it does exist. These developments are bound to occur from time to time as the various Senators who have claims on Senator LANGER exercise their rights of collection under their mortgage.

Mr. President, it is not an uncommon thing in this Nation to have critical items and editorials published about members of our Government. To this practice, I, of course, have not the slightest objection, for there is nothing more important in any democratic nation than preservation of the freedom of the press. It is one of the cornerstones upon which the foundation of democracies rests. It is one of the characteristics differentiating governments of free peoples from governments of tyrants with whom we are now engaged in mortal combat.

In passing, it might be observed that freedom of the press can be undermined and weakened to a point of destruction by forces other than autocratic governments. Indeed, the freedom of the press may be said to be held in trust by the publishers of the press in all parts of our country. But it can be undermined by those few editors and publishers possessing a part of this trust when wantonly or maliciously they publish charges of crime against members of our Government when no basis of fact exists and when the slightest investigation would demonstrate such charge to be false.

It is also important to maintain respect for our Government and all its branches. If the people lose respect and confidence in their Government, it cannot endure.

While we are engaged in the contest to preserve democracies and freedoms in all parts of the world, we should not overlook our obligation to preserve these institutions inviolate at home.

The aforementioned editorial charges that I mortgaged my vote to an unnamed number of unnamed Senators of the 52 who after some 3 weeks of debate upon the floor of the Senate voted that I should be seated as a United States Senator when my right to hold that office was challenged. This editorial charges that certain Members of the Senate of what are called practical politician type would not hesitate to place a mortgage on a vote which they might need some day.

Such a malicious and vicious charge might be passed over without notice, had the editorial ceased at this point, but it proceeds to state:

It may be taken for granted that they did take such a mortgage on the Senator from North Dakota.

The editorial proceeds:

They had only to notify Senator LANGER that an installment on the mortgage was due to force him into action.

The editor continues:

It is a shameful thing that this condition exists.

No sensible interpretation can be placed upon these remarks other than that I entered into a corrupt and criminal agreement with several Members of the Senate, agreeing to vote as they would direct or force me to vote in the event they cast their votes in favor of my being seated.

Mr. President, I submit that this is no charge of incompetence, general dereliction of duty, log rolling, or the like. It is a direct charge of a criminal conspiracy by myself and by Members of this body.

I denounce it as being utterly false. I state that I have had no agreement, directly or indirectly, expressly or by implication, with any Member of this body at any time to cast my vote in any manner, fashion, or form, or to do anything else for his vote or support.

If this editorial were truthful, the people of the country would have a just right to have disrespect and contempt for this body.

If it is permitted to go unchallenged, I greatly fear the editorial, now republished in other newspapers, will cause the people of the country to believe that it is truthful. It would, in my opinion, be a cowardly act on my part to permit it to go unchallenged.

Mr. President, throughout the long and trying experience wherein my right to sit in this Chamber was challenged, I suffered in silence to await judgment of my peers. I had been twice elected to the high office of attorney general of North Dakota, and twice elected to the highest office in the State—that of chief executive—by my own people.

Then in a free election of free people I was duly elected by the same free people to represent, in the United States Senate, the State in which I was born and where I have lived all my life.

It was not easy to sit silently by for day after day and week after week while these debates were proceeding, but I thought that to be the proper and dignified course.

The greatest satisfaction I experienced in the vote of the Senate on this issue was the feeling that each Senator in a free land, in this country, was free and remained free to vote as his conscience dictated. It was also of no small interest to me to note that such votes were cast by the Members of this body without regard to the sections of our country which they represented.

An examination of the roll-call vote will show that I was supported by old Democrats and young Democrats, by liberals and those of a more conservative leaning, by Members of long and continued service in the Senate and by Senators more recently chosen. This list included Members from the deep South and Members from the far Northwest, Maine Re-

publicans and Democrats from Texas, those who had most fervently supported the administration and those who had most vigorously opposed it; and those who opposed my seating were from the same groups. Indeed, any person of intelligence in scanning the roster of this roll call would find only humor, if the charge was not so vicious, in the assertion that this vote came about through any corrupt agreement. It would accredit to me a promise and an attempt to ride two fast moving horses traveling in opposite directions at the same time.

I had, previous to this vote, cast my own vote on important and vital matters for a year preceding in the United States Senate. The scanning of the record would furnish proof that I sought the support of no group at any time. Some of my votes were cast when the change of a single vote would alter the result. The record will show that I voted independently. I voted each time as my conscience directed, and notwithstanding an editorial to the contrary, I propose to continue to so do so long as I am honored with membership in this body which I cherish and honor so much.

Mr. SHIPSTEAD subsequently said: Mr. President, in view of the remarks of the Senator from North Dakota [Mr. LANGER] this afternoon, I desire to say that when the Langer case was before the Senate I had intended to discuss it but it had been discussed for 3 weeks, it was late in the afternoon, and I did not want to take the time of the Senate when a vote was about to be had. I had not intended to discuss it since, but, in view of the criticism of the Senate for that vote, and also because newspapers throughout my section of the country have criticized my vote, I ask unanimous consent to have inserted in the RECORD some correspondence I have had with an editor friend of mine, who violently disagreed with the vote of the Senate. I ask that it be printed following the remarks of the Senator from North Dakota this afternoon. It consists of two letters and some memoranda dealing with other cases involving the eligibility of a Senator's election, which have been considered and disposed of by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *April 23, 1942.*

Mr. WALTER K. MICKELSON,
Editor, The Journal, New Ulm, Minn.

MY DEAR WALTER: I have your editorial of April 2, 1942, before me, in which you disagree with my position in the Langer matter. Evidently, if present in the Senate, you would have voted to deny Senator LANGER his seat.

At the outset, I want to state that my vote was not cast for an individual but for the principle that the will of the people, fairly expressed, shall govern, provided constitutional qualifications are met. If we depart from that great principle, then we change our form of government.

In your editorial you state:

"After reading all the testimony and the speeches which appeared in the CONGRESSIONAL RECORD we wonder why they ousted Lorimer, Newberry, and Smith and yet seated LANGER. At least the three first-named gentlemen used their own money to win their elections."

There can be no comparison of these cases with that of Senator LANGER. The record discloses that in the Lorimer, Newberry, and Smith cases, also in the Vare case, the petitions requesting that they be not seated were based entirely upon corruption of the elections in which they claimed to have been elected to the Senate. There was no such contention by petitioners in the Langer case. They did not attack the legality of the election.

You state the three men you mention spent their own money. The record is to the contrary. A summary of the nature and disposition of these cases, taken from the record, is set forth below.

Each of the cases you mention and the Vare case deal with corruption of elections and therefore, within constitutional provisions, the election certificates of the men were involved, with the exception of the Newberry case. Their election was held to have been obtained by corrupt means. As stated, that question did not arise here.

The House and Senate have always recognized their power to examine the legality of elections because the validity of the election certificate is involved.

In my opinion, the question in these cases involves the power of the Senate, under sections 3 and 5 of article I of the Constitution. Section 5, as you know, provides that "Each House shall be the judge of the elections, returns, and qualifications of its own Members, * * *." We are not left in doubt what is meant by the word "qualifications" in that sentence, for they are set forth in section 3, as follows: "No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen." As petitioners did not contend that LANGER did not meet these qualifications, and as there was no contention that LANGER had obtained his election by corrupt means, the question then was, Has the Senate the right to impose other qualifications on a Senator-elect who appears to take his seat?

In the Constitutional Convention other qualifications were proposed. For instance, it was proposed that certain property qualifications should be included. This was voted down. Provisions were also offered to the convention delegating to the Senate the power to impose such further qualifications as the Senate might see fit. This was debated and rejected, on the ground that power in the Senate to impose other qualifications would make it possible for the Senate to subvert constitutional government.

The sovereign people of the various States, by representatives in the Constitutional Convention, created the Federal Government and limited its power. They imposed such limitations upon the qualifications of a Senator as they deemed necessary. For the creature of the sovereign States to impose other limitations upon its creator, the States, who send duly elected representatives here with an undisputed certificate of election, would be to usurp power that is an attribute inherent in sovereignty. The creature would then arrogate to itself power retained by its creator. In other words, the creature would constitute itself the keeper of its creator's conscience.

In dealing with the qualifications of a Senator seeking membership it is plainly intended that the rights of the various States should be protected in sending to the Senate whom they choose, provided only that the candidate for admittance meets the constitutional qualifications.

Clearly the people never intended that the Senate should take upon itself the duty of making itself a grand or petit jury to inquire into the acts of a Senator committed prior to his election and which have nothing to do with the purity of elections. Nor was it intended that the Senate should impose other qualifications than those enumerated in the Constitution. Such matters are reserved to the States.

Of course, the Senate has jurisdiction over acts committed after membership in the Senate has been acquired and has the power to expel. Such question did not arise here.

Mention has been made in various sources that the British Parliament has complete power to impose any kind of qualification upon its membership. The Parliament of Great Britain does not act under a constitution limiting the power of its members. At one time they imposed a qualification making it necessary for a member to be a communicant of the State Church of England. Many other qualifications were imposed which, if permitted by the Senate of the United States, would undoubtedly lead to dangerous impositions in times of great national controversy.

We are a Nation of many religious and political faiths. Our citizenship is composed of many races. Among these are citizens of every State. History shows that religious, racial, and political passions at times rise beyond reason. The framers of the Constitution anticipated this and therefore reserved to the people of the States the right to elect a man to the Senate of their own choosing. Otherwise isn't it plain that they feared the Senate, under such conditions, might impose obnoxious qualifications of its own and thereby thwart a free choice of the people in selecting their representatives in the Senate? We must not forget this National Government was created by the States.

It cannot be denied that only to the extent that these limitations have served to restrain public officials, executives, legislators, and courts from usurping powers not granted have we been able to preserve a free government.

I find nowhere in the Constitution nor in the decision of any court any recognition of the power of the Senate to override the verdict of a sovereign State's electorate in the selection of a Senator, provided the machinery of election has not been corrupted and the qualifications laid down in the Constitution have been met.

It has been stated in various sources that because LANGER was a Republican, Republican politics entered into his seating. This is an unworthy assumption. There were more than twice as many Democrats voted to seat him as Republicans.

You will note that 16 Republicans and 36 Democrats—a total of 52—voted that, on the arguments and evidence presented, Senator LANGER should be seated. I think we have a right to assume that they concurred in these views. Twenty-two Democrats and 8 Republicans voted to the contrary. I think we have a right to assume that they dissented from these views.

With best wishes, I am,

Yours sincerely,

HENRIK SHIPSTEAD.

P. S. The official record in the cases you mention is herewith attached, with proper authoritative citations to substantiate my contention that the cases you mention have no basis for comparison or parallel, as you seem to believe.

Frank L. Smith of Illinois was denied his seat upon the basis of a report of a special committee showing that he had expended $458,782 in his election, and out of that sum $203,000 was contributed by officers of large utility corporations, including the Insull crowd, doing business in Illinois when Smith, at that time, was chairman of the Illinois Commerce Commission, with which these

utility companies had business before (CONGRESSIONAL RECORD, vol. 69, pt. 2, p. 1718).

In addition, the Senate refused to seat William S. Vare of Pennsylvania. The reason for refusing a seat to him was because at the primary election at which Vare was alleged to have been nominated as a candidate for the Senate, there were numerous and various instances of fraud and corruption in his behalf. To insure his nomination there was expended a sum exceeding $785,000 (CONGRESSIONAL RECORD, vol. 71, pt. 3, p. 3413).

William Lorimer was denied his seat because the Senate claimed corrupt methods and practices were employed in his election to the Senate. The Senate claimed that at least 10 votes of members of the Illinois Legislature were purchased. Anyhow, he was denied his seat, on the ground of corruption of the election machinery. I assume they had the proof. This, you will note, came in the days when legislatures elected the Senators (CONGRESSIONAL RECORD, vol. 48, pt. 7, p. 6790).

Newberry was not denied a seat in the Senate. He was seated by a vote of 46 to 41 because it could not be shown that he had consented to or had knowledge of the expenditures of $195,000 in the primaries in which he claimed to have obtained the nomination (CONGRESSIONAL RECORD, vol. 62, pt. 2, pp. 1108-1116).

However, Mr. Newberry resigned some months later and gave his reasons therefor.

WASHINGTON, D. C., *April 27, 1942.*

Mr. WALTER K. MICKELSON,
Editor, The Journal, New Ulm, Minn.

MY DEAR WALTER: I have just received your letter this morning with further reference to the Langer case, in which you state:

"In this as in most other cases, much depends on the good common sense of the Members of the Senate. As I see it, there can be abuses if the Senate sets up some standard of decency, just as I feel there is an abuse right now when a rather strained interpretation of the Senate power permits a man of the type of Senator LANGER to sit in the Senate and legislate for the whole country. Right now the United States Senate has the authority over the power to tax and to destroy the entire Nation. Somehow or other we have to depend on the good common sense of the majority not to abuse this power."

The trouble with that argument is that the framers of the Constitution did not leave this matter of imposing additional qualifications to the "good common sense of the Members of the Senate." It was retained to be decided by the common sense of the electorate at the ballot box. In my opinion, the common sense of the electorate is at least on a par with that of the Senate. They at times may err, but I do not believe oftener than the Senate. At any rate, the people have a better right to err than the Senate, because they are supreme.

Evidently the framers of the Constitution did not share your confidence in the "good common sense of the majority (of the Senate) not to abuse this power" to override the right of the electorate of the State to select whom they choose. Otherwise they would have given them this power. They preferred to have the people depend on their own intelligence and conscience to determine the moral character and intellectual fitness of their representatives in the Senate. In this they may have made a mistake, but I do not think so.

The ultimate end of such argument, if it should prevail, would be that the Senate itself should elect the Senators for the various States, in order that a Senator's qualifications shall meet with the approval of a majority of the Senate.

To me at least it is plain that for the Senate to assert such power, either with a majority or two-thirds vote, would, in my opinion, be an arrogation of the power of dictatorship over the will of the people of the States.

It would be just as sensible for Congress to arrogate to itself the power to change the Constitution without submitting any proposed change to the people of the States for their ratification. If such assumption of power should become the rule, it would then, in the course of events, be possible for the Senate to delegate such power to the President as other legislative powers have been delegated. This has been done on the assumption that the power to legislate includes the power to delegate. I do not agree with this assumption, but after the camel has his head under the tent he has progressively occupied more of the tent.

Such theory is plainly contrary to past interpretation of the Senate's power and would overthrow the fundamental theory that the people are the keepers of their own conscience and judgment when they, through the ballot box, express their own opinions as to a candidate's qualifications as a member of the United States Senate.

You will note that 16 Republicans and 36 Democrats—a total of 52 and a majority of 12—voted for the seating of LANGER. Whether they voted as they did for the same reason that I did is not for me to say. It is possible many of them may have accepted your views and voted on the basis of "their good common sense." In that case you have some champions of your views in the Senate.

I had intended to speak on this subject in the Senate, but it had been discussed for 3 weeks and the final session was late in the evening, and the Senate was very impatient for a vote. Because I thought the issues were so clear I doubted if I could add anything new, and so I refrained imposing upon the Senate by taking time to discuss this matter further before a Senate that was impatient to act.

Yours sincerely,

HENRIK SHIPSTEAD.

GREETINGS EXTENDED TO HEROES OF THE UNITED STATES AND GREAT BRITAIN

Mr. BARKLEY. Mr. President, I ask unanimous consent to have inserted in the RECORD brief greetings extended last Saturday in the reception room of the Senate on the occasion when the 14 outstanding young heroes of the United States and Great Britain appeared here in the Capitol. The greetings were extended by the President pro tempore, the Senator from Virginia [Mr. GLASS], and by me.

There being no objection, the greetings were ordered to be printed in the RECORD, as follows:

Senator GLASS. Young gentlemen, due to your characteristic courage and extraordinary skill you have attained to the status of international heroism, and as President pro tempore of the United States Senate it gives me pleasure to greet you and to tell you that the Senate, as well as our Nation, are very proud of you and of your accomplishments.

Senator BARKLEY. Young men, it will no doubt be a long time before we have as many visitors in the Senate Chamber who are entitled, by virtue of their heroic conduct and success in war, to be called heroes. The American people so regard you, whether you are English or whether you are Americans. We are all in the same fight.

I reiterate our deep appreciation of the honor you do us by coming here and allowing us to be inspired by your presence and by the memory of your great deeds.

CALL OF THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to consider measures on the calendar to which there is no objection, beginning at the end of the last call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will proceed to call the measures on the calendar.

AMENDMENTS TO NATIONAL SERVICE LIFE INSURANCE ACT OF 1940

The Senate proceeded to consider the bill (S. 2543) to amend subsection (3) of section 602 (d) of the National Service Life Insurance Act, as amended, and for other purposes, which had been reported from the Committee on Finance with an amendment, on page 7, after line 14, to insert:

SEC. 7. Section 601 of the National Service Life Insurance Act of 1940, approved October 8, 1940, is hereby amended by adding at the end thereof the following subsection:

"(f) The terms 'parent', 'father', and 'mother' include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than 1 year."

SEC. 8. Section 602 (g) of the National Service Life Insurance Act of 1940, approved October 8, 1940, is hereby amended by striking therefrom the following: "(including person in loco parentis if designated as beneficiary by the insured)."

SEC. 9. Section 602 (h) (3) (C) of the National Service Life Insurance Act of 1940, approved October 8, 1940, is hereby amended to read as follows:

"(C) if no widow, widower, or child, to the parent or parents of the insured who last bore that relationship, if living, in equal shares;".

SEC. 10. Effective the first day of the month next following the enactment of this act, in no event shall monthly payments of yearly renewable term or automatic, or national service life insurance serve to reduce amounts of compensation or pension otherwise payable under existing compensation or pension laws. Section 5, act of July 19, 1939 (38 U. S. C. 472b), as amended by section 2, act of August 21, 1941 (Public Law No. 242, 77th Cong.), is modified accordingly.

So as to make the bill read:

Be it enacted, etc., That subsection (3) of section 602 (d) of the National Service Life Insurance Act of 1940, as amended by section 10 of Public, No. 360, Seventy-seventh Congress, approved December 20, 1941, is hereby repealed and there is substituted in lieu thereof, effective as of December 20, 1941, the following to be known as subsection (3) of section 602 (d) of said act:

"(3) (A) Any person in the active service who on or after October 8, 1940, and prior to April 20, 1942, becomes totally disabled as a result of injury or disease incurred in line of duty and such disability continues without interruption for 6 months, without having in force at time of incurrence of such disability at least $5,000 insurance issued under the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended, or this act, shall be deemed to have applied for and to have been granted, effective as of the commencement of such total disability, National Service Life Insurance in an amount which together with any such insurance then in force shall aggregate $5,000, and premiums on such insurance shall be waived until 6 months after the insured

ceases to be totally disabled or until April 20, 1943, whichever is the earlier date: *Provided*, That such protection shall cease and terminate unless within such period such disabled person shall make application in writing for continuance of all or any part of such insurance and shall submit evidence satisfactory to the Administrator of entitlement to waiver of premiums under section 602 (n) of this act or tender the premiums thereafter becoming due: *Provided further*, That waiver of premiums under section 602 (n) shall not be denied under this subsection on the ground that total disability commenced prior to the effective date of such insurance: *And provided further*, That anyone who applied for and was issued insurance after becoming totally disabled, and but for such application would be entitled to insurance hereunder, shall have the right, upon application within the time and in the manner as above limited, to elect to surrender insurance applied for and to be issued insurance hereunder, or if such insurance shall have lapsed without election, such person shall be considered subject in all respects to the provisions of this subsection, as hereby amended, but policies issued hereunder shall be effective from date of surrender or lapse of policy previously issued.

"(B) Any person in the active service who on or after December 7, 1941, and prior to April 20, 1942, has been or shall be captured, besieged, or otherwise isolated by the forces of an enemy of the United States for a period of at least 30 consecutive days and extending beyond April 19, 1942, and at the time of such capture, siege, or isolation by the enemy did not have in force insurance in the aggregate amount of at least $5,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, or this act, shall be deemed to have applied for and to have been granted, effective as of the date of such capture, siege, or isolation, National Service Life Insurance in an amount which together with any such insurance then in force shall aggregate $5,000 of insurance, and such insurance shall remain in force and premiums on such insurance shall be waived during the period while such person remains so captured, besieged, or isolated, and for 6 months thereafter: *Provided*, That such protection shall cease and terminate at the end of such period of 6 months unless within such period such person shall make application in writing for the continuance of all or any part of such insurance and shall submit evidence satisfactory to the Administrator of entitlement to waiver of premiums under section 602 (n) of this act, or tender the premiums thereafter becoming due."

SEC. 2. Section 602 (d) is hereby further amended by adding a new subsection (5) to read as follows:

"(5) If any person deemed to have been issued insurance under subsection (3) (A) or (B) hereof die without filing application and within the time limited therefor, death insurance benefits shall be payable in the manner and to the persons as stated in subsection (2): *Provided*, That no application for insurance payments under subsections (2) or (3) as hereby amended, shall be valid unless filed in the Veterans' Administration within 1 year after the date of death of the insured or 1 year after the date of this enactment, whichever is the later date, and relationship and dependency of the applicant, where required as a basis for such claim, shall be proved as of date of death of insured by evidence satisfactory to the Administrator: *And provided further*, That persons shown by evidence satisfactory to the Administrator to have been mentally or legally incompetent at the time the right to apply for continuation of insurance or for death benefits expires, may make such application at any time within 1 year after removal of such disability."

SEC. 3. Section 602 (d) is hereby further amended by adding a new subsection (6) to read as follows:

"(6) Policies issued hereunder upon application as provided in subsection (3) (A) or (B) shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance."

SEC. 4. The Administrator is authorized and directed to transfer from the National Service Life Insurance appropriation to the National Service Life Insurance fund such sums as may be necessary to cover all losses incurred and premiums waived under subsections (2), (3), and (4) of section 602 (d) as amended.

SEC. 5. Subsection 602 (n) of the National Service Life Insurance Act of 1940 is hereby amended, effective as of October 8, 1940, to read as follows:

"(n) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during the continuous total disability of the insured, which continues or has continued for 6 or more consecutive months, if such disability commenced (1) subsequent to the date of his application for insurance; (2) while the insurance was in force under premium-paying conditions, and (3) prior to the insured's sixtieth birthday: *Provided*, That the Administrator shall not grant waiver of any premium becoming due more than 1 year prior to the receipt in the Veterans' Administration of application for the same, except as hereinafter provided, and any premiums paid for months during which such waiver is effective shall be refunded. The Administrator shall provide by regulations for examination or reexamination of an insured claiming benefits under this subsection, and may deny benefits for failure to cooperate. In the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy: *Provided further*, That in any case in which the Administrator finds that the insured's failure to make timely application for waiver of premiums or his failure to submit satisfactory evidence of the existence or continuance of total disability was due to circumstances beyond his control, the Administrator may grant waiver or continuance of waiver of premiums. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof."

SEC. 6. Section 617 of the National Service Life Insurance Act of 1940 is hereby amended to read as follows:

"In the event of a disagreement as to a claim arising under this part, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to United States Government life (converted) insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended: *Provided*, That in any such suit the decision of the Administrator as to waiver or nonwaiver of premiums under this act as now or hereafter amended shall be conclusive and binding on the court."

SEC. 7. Section 601 of the National Service Life Insurance Act of 1940, approved October 8, 1940, is hereby amended by adding at the end thereof the following subsection:

"(f) The terms 'parent,' 'father,' and 'mother' include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than 1 year."

SEC. 8. Section 602 (g) of the National Service Life Insurance Act of 1940, approved October 8, 1940, is hereby amended by striking therefrom the following: "(including person in loco parentis if designated as beneficiary by the insured)."

SEC. 9. Section 602 (h) (3) (C) of the National Service Life Insurance Act of 1940, approved October 8, 1940, is hereby amended to read as follows:

"(C) if no widow, widower, or child, to the parent or parents of the insured who last bore that relationship, if living, in equal shares;".

SEC. 10. Effective the first day of the month next following the enactment of this act, in no event shall monthly payments of yearly renewable term or automatic, or national service life insurance serve to reduce amounts of compensation or pension otherwise payable under existing compensation or pension laws. Section 5, act of July 19, 1939 (38 U. S. C. 472b), as amended by section 2, act of August 21, 1941 (Public Law No. 242, 77th Cong.), is modified accordingly.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLIGHT OFFICER IN THE ARMY AIR FORCES

The bill (S. 2553) to create the title of flight officer in the Army Air Forces, to amend the Army Aviation Cadet Act, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby created for the Army Air Forces the title of flight officer. A flight officer shall have the rank, pay, and allowances, provided for a warrant officer, junior grade, and shall take rank as of the date of appointment. Flight officers shall be entitled to the benefits of all existing laws or regulations covering retirement, pensions, and disability as are applicable to members of the Army of the United States when called or ordered into the active military service of the United States under existing statutory authorizations and shall be entitled to longevity pay as provided for warrant officers in section 1 of the act of August 21, 1941 (Public Law 230, 77th Cong.). Flight officers (warrant officers, junior grade) appointed under this authority shall not be limited by the restriction as to numbers established by section 3 of the act of August 21, 1941 (Public Law 230, 77th Cong.).

SEC. 2. The provisions of section 3 of the Army Aviation Cadet Act of June 3, 1941, are hereby suspended for the duration of the present war and for 6 months thereafter except as to any person who has enlisted or who has been appointed as an aviation cadet prior to the date of enactment of this act. During such period and under such regulations as the Secretary of War may prescribe, male citizens of the United States may enlist as aviation cadets and men having an enlisted status in the Army of the United States may be appointed by the Secretary of War as aviation cadets. All enlistments shall be for the period of the duration of the present war and for 6 months thereafter unless sooner terminated by the President. Upon successful completion of the prescribed course of training and instruction and under such regulations with respect to selection as the Secretary of War may prescribe, each such cadet shall be commissioned as a second lieutenant in the Army of the United States under the provisions of the act of September 22, 1941 (Public Law 252, 77th Cong.), or appointed as a flight officer in the Army of the United States. Under such regulations as the Secretary of War may prescribe, the status, pay,

and allowances of any aviation cadet who fails to complete successfully the prescribed course of training and instruction may be terminated and for the remainder of the war and 6 months thereafter he may be required to serve in any enlisted grade with the pay and allowances of such grade.

SEC. 3. During the continuance of the present war and for 6 months thereafter, the Secretary of War is authorized, under such regulations as he may prescribe, to make temporary appointments as flight officers in the Army of the United States from among men having an enlisted status in the Army of the United States who have received training as aviation students.

SEC. 4. Pursuant to such regulations as the Secretary of War may prescribe, flight officers may be appointed, by selection, to the grade of second lieutenant and, upon such appointment, shall be commissioned in the Army of the United States under the provisions of the act of September 22, 1941 (Public Law 252, 77th Cong.).

SEC. 5. Any person who has completed the prescribed course of training and instruction as an aviation cadet or aviation student and has served in time of war as a commissioned officer or flight officer in the Army of the United States may, under such regulations as the Secretary of War may prescribe, be appointed an officer in the Air Corps Reserve.

SEC. 6. Section 4 of the Army Aviation Cadet Act of June 3, 1941, is hereby amended by striking out the last sentence thereof and by substituting the following in lieu thereof: "Any person appointed as a flight officer in the Army of the United States shall be entitled at the time of such appointment to an allowance of $150 for uniforms."

SEC. 7. Section 5 of the Army Aviation Cadet Act of June 3, 1941, is hereby amended to read as follows:

"SEC. 5. Aviation cadets who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights shall be issued insurance in the amount of $10,000 under the National Service Life Insurance Act of 1940 (54 Stat. 1008), as amended, except that the premiums shall be paid by the Government. Upon being commissioned as second lieutenants or appointed as flight officers and until permanently relieved from duty involving participation in regular and frequent aerial flights, the insurance provided for aviation cadets or aviation students under this or other existing law shall continue but the premiums shall be deducted from the pay of the individual concerned and paid, as the Secretary of War may direct, to the Administrator of Veterans' Affairs. Upon being permanently relieved from duty involving participation in regular and frequent aerial flights, release from active duty, or discharge, the insurance of aviation cadets, flight officers, and officers may be continued at the option and at the expense of the individual concerned."

SEC. 8. This act may be cited as the "Flight Officer Act."

CERTIFICATES IN CONNECTION WITH PAY AND ALLOWANCE ACCOUNTS

The bill (S. 2555) to authorize the use of certificates by officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, in connection with pay and allowance accounts of military and civilian personnel under the jurisdiction of the War and Navy Departments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That during the existence of the present war in which the United States is engaged, and during the 6 months immediately following the termination of such war, certificates of officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, executed on and after December 8, 1941, attesting to the existence of the stated facts, and which are filed with and relate to vouchers and papers involving pay and allowances of civilian and military personnel under the jurisdiction of the War or Navy Departments, shall be accepted as supporting such payments so far as said facts are concerned without the necessity of any other supporting evidence or certificates: *Provided*, That the Secretary of War or the Secretary of the Navy may prescribe the places where and the classes of pay and allowances accounts to which the above authority of law may be made applicable.

BILL PASSED OVER

The bill (S. 2503) to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia was announced as next in order.

Mr. McNARY. Mr. President, I should like to have an explanation of the bill. If none is forthcoming, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

USE OF LETHAL GAS IN EXECUTIONS IN THE DISTRICT OF COLUMBIA

The bill (S. 2505) to amend sections 23–701 and 23–702 of title 23, chapter 7, of the District of Columbia Code, 1940 edition, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That section 23–701 of title 23, chapter 7, of the District of Columbia Code, 1940 edition, be, and the same is hereby, amended to read as follows:

"SEC. 23–701. Capital punishment—how inflicted: The mode of capital punishment shall be by the administration of lethal gas."

SEC. 2. That section 23–702 of title 23, chapter 7, of the District of Columbia Code, 1940 edition, be, and the same is hereby, amended to read as follows:

"SEC. 23–702. Commissioners to provide death chamber, appoint executioner and assistants, and fix fees: The Commissioners of the District of Columbia are authorized and required to provide a death chamber and necessary apparatus for inflicting the death penalty by the administration of lethal gas, to designate an executioner and necessary assistants, not exceeding three in number, and to fix the fees thereof for services."

DR. WESLEY K. HARRIS

The bill (H. R. 6297) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Dr. Wesley K. Harris was considered, ordered to a third reading, read the third time, and passed.

ASSIGNMENT OF CERTAIN DISTRICT OF COLUMBIA POLICE OFFICERS TO DETECTIVE DUTY

The bill (H. R. 6782) to authorize the Commissioners of the District of Columbia to assign officers and members of the Metropolitan Police force to duty in the detective bureau of the Metropolitan Police Department, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

REGULATIONS OF AMBULANCES AND FUNERAL CARS IN THE DISTRICT OF COLUMBIA

The bill (H. R. 6804) to amend paragraph 31 of section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended, was considered, ordered to a third reading, read the third time, and passed.

SUSPENSION OF ANTITRUST LAWS IN CERTAIN CASES

The bill (S. 2431) to suspend the operation of the antitrust laws and Federal Trade Commission Act in certain instances requisite to the promotion of the war was announced as next in order.

Mr. BARKLEY. Mr. President, the two Houses have agreed on an amendment to the so-called little-business bill which was passed several days ago, substantially in the terms of Senate bill 2431, making it unnecessary to pass that bill. I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

EMPLOYMENT OF CERTAIN FORMER MEMBERS OF THE MILITARY FORCES BY DEFENSE CONTRACTORS

The bill (H. R. 6634) to facilitate the employment by defense contractors of certain former members of the land and naval forces, including the Coast Guard, of the United States was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKRUPTCY ACT

The bill (H. R. 7066) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PEPPER subsequently said: Mr. President, I ask unanimous consent to revert temporarily to Calendar No. 1483, House bill 7066, with the privilege of giving a brief explanation of the bill, a municipal bankruptcy bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. McNARY. Mr. President, I have objected to consideration of the bill.

Mr. PEPPER. Mr. President, I should like to make an explanation of the bill if I may do so. I think perhaps the best summary of the nature of the bill which can be found appears on page 3 of the report of the Senate Committee on the Judiciary on Calendar No. 1483, House bill 7066, passed by the House of Representatives and favorably reported by the Senate Committee on the Judiciary. I read from the committee report, as follows:

REPORT OF THE SECTION OF MUNICIPAL LAW OF THE AMERICAN BAR ASSOCIATION

(Indianapolis meeting of council, October 1941)

The section recommends the adoption of the following resolution:

"*Resolved*, That the municipal debt readjustment provisions of the Federal Bankruptcy Act should not be allowed to expire June 30, 1942, and that the municipal law section is authorized to represent the association at congressional hearings if legislation deferring that date of expiration is introduced in the Congress of the United States."

REPORT

The existing municipal debt readjustment provisions of the Federal Bankruptcy Act were originally adopted in 1937 and as since extended will expire June 30, 1942, by their own terms of limitation. Their constitutionality was sustained by the United States Supreme Court in the Bekins case in 1937. Debt adjustments under the act have been numerous, and have been confined largely to the Southern and Southwestern States.

Proceedings under the act have been comprehensively studied by a committee of the municipal law section under the title of Municipal debt readjustments under the Federal Bankruptcy Act, and have been fully discussed at meetings of the section. It is the conclusion of the section that the results of the proceedings have been advantageous to both bondholders and the municipalities.

It is reported to the section that there are numerous important situations in which proceedings will be necessary but cannot be instituted prior to the present expiration date.

The municipal law section favored the extension of 1939 and now urges the association to approve a further extension.

The report of the committee also contains the following resolution, adopted by the house of delegates of the American Bar Association at the 1941 Indianapolis meeting:

RESOLUTION ADOPTED BY HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION AT 1941 INDIANAPOLIS MEETING

(P. 175, Printed Reports of American Bar Association, vol. 66)

Resolved, That the municipal debt readjustment provisions of the Federal Bankruptcy Act should not be allowed to expire June 30, 1942, and that the municipal law section is authorized to represent the association at congressional hearings if legislation deferring that date of expiration is introduced in the Congress of the United States.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. PEPPER. If the Senator will permit me to do so, I should like to say one further word, and then I shall yield.

Mr. President, the report also states the number of cases which are pending in various States and the number of municipalities which are affected by the legislation. The necessity for its extension arises out of the fact that the law would expire on June 30 of this year, and that even the cases which are now being considered by the courts could not be terminated in a proper way if the extension is not made possible.

My colleague in the Senate introduced a bill with our joint concurrence to extend the operation of the law for 2 years, but meanwhile the present bill came through the House of Representatives extending it 4 years. So the Senate Committee on the Judiciary simply substituted the House bill for the Senate bill, and it comes here with a favorable report from the Senate Committee on the Judiciary, which at three different times had the matter before it. The committee held hearings at an earlier session; it did not hold hearings at the latter sessions because it was already familiar with the subject. The committee held hearings and recommended that the bill pass. The bill proposes no change in the present law except an extension of the Municipal Compositions Act from June 30, 1942, to 4 years from that date.

Now I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. Mr. President, I concur in everything the Senator has said with respect to the bill. In Colorado some irrigation and drainage districts, which are undergoing bankruptcy, very badly need the extension provided for in the measure. I hope the bill may be considered and enacted because the time is very limited.

Mr. PEPPER. Mr. President, let me ask the Senator from Oregon [Mr. McNARY], who has objected to present consideration of the bill, if the explanation is of any help to him.

Mr. McNARY. The explanation is satisfactory. The able Senator from Colorado also explained it to me. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 7066?

There being no objection, the bill (H. R. 7066) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF ORION KNOX

The Senate proceeded to consider the bill (H. R. 4923) for the relief of the estate of Orion Knox, deceased, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "the sum of", to strike out "$10,634.95" and insert "$5,000."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. JESSIE A. BEECHWOOD

The Senate proceeded to consider the bill (H. R. 5317) for the relief of Mrs. Jessie A. Beechwood, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "$2,500" and insert "$1,000", and in line 7, after "United States", to strike out "for compensation and for reimbursement for certain expenses incurred."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MADELEINE HAMMETT AND OTHERS

The Senate proceeded to consider the bill (H. R. 5854) for the relief of Madeleine Hammett, Olive Hammett, Walter Young, the estate of Laura O'Malley Young, deceased, and the legal guardian of Laura Elizabeth Young, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "the sum of", to strike out "$6,357.44" and insert "$5,000"; in line 7, after the words "the sum of", to strike out "$500" and insert "$100"; at the beginning of line 9, to strike out "$1,000" and insert "$768.46"; in line 10, after the words "the sum of", to strike out "$5,500" and insert "$5,000"; and on page 2, line 2, after the words "the sum of", to strike out "$1,000" and insert "$100."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ANDREW J. BISSINGER—ADJUSTED-SERVICE CERTIFICATE

The bill (H. R. 3337) to provide for the issuance of a duplicate adjusted-service certificate to Andrew J. Bissinger, was considered, ordered to a third reading, read the third time, and passed.

Mr. GEORGE subsequently said: Mr. President, when Calendar No. 1488, House bill 3337, was called, there was no objection, and the bill was passed. I have examined the report of the Veterans' Administration on that bill, and I ask unanimous consent for the reconsideration of the votes by which the bill was ordered to a third reading, read the third time, and passed, and that the bill be referred to the Committee on Finance.

Mr. THOMAS of Utah. Mr. President, may I ask for an explanation as to why the bill should be referred to the Committee on Finance? It is a Military Affairs Committee bill.

Mr. GEORGE. It was passed on by the Military Affairs Committee; but let me say to the distinguished Senator from Utah that it involves proposed legislation having to do with a veteran of the World War. The Finance Committee has exclusive jurisdiction of adjusted compensation, disability allowances, and all special relief bills having to do with veterans of the World War. For that reason I have asked that the votes be reconsidered and that the bill be referred to the Committee on Finance. I did not do so until I read the report of General Hines.

The case is somewhat peculiar. There seems to be some merit in the bill. At the same time, the Veterans' Administrator has advised against the passage of the bill, for what seem to me to be very substantial reasons. I therefore ask that the bill be sent to the committee which has jurisdiction of the subject matter, so that legislation on this same question may be kept uniform and there may not be one ruling for one veteran and another ruling for another.

Mr. THOMAS of Utah. I shall not object to the request of the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the votes by which the bill was ordered to a third reading, read the third time, and passed, are reconsidered, and the bill will be referred to the Committee on Finance.

DISTINGUISHED SERVICE CROSS TO RAYMOND P. FINNEGAN

The Senate proceeded to consider the bill (S. 538) granting the Distinguished Service Cross to Raymond P. Finnegan, which had been reported from the Committee on Military Affairs with an

amendment to strike out all after the enacting clause and insert:

Notwithstanding the provisions of the act of Congress approved May 26, 1928, governing the time limitation for consideration of recommendations for the award of decorations to former Army personnel, that the War Department be, and is hereby, authorized and directed to confer the Distinguished Service Cross upon Raymond P. Finnegan and John P. Cullen, respectively, both formerly corporals of Company G, One Hundred and Sixth Infantry, Twenty-seventh Division, American Expeditionary Forces, for extraordinary heroism in action with the enemy east of Ronssoy, France, during the engagement of September 27, 1918, in the first attack on the outpost position of the Hindenburg line defenses, for which their commanding officers cited them for exceptional gallantry and conduct beyond the call of duty and recommended them for the award of the Distinguished Service Cross.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the Distinguished Service Cross to Raymond P. Finnegan and John P. Cullen, respectively."

CONTROL OF EXPORTATION OF CERTAIN COMMODITIES

The bill (S. 2558) to further expedite the prosecution of the war by authorizing the control of the exportation of certain commodities was announced as next in order.

Mr. McNARY. Mr. President, I should like to have a full explanation of the bill. It does not read in a way to challenge my support. However, my objection may be explained away.

Mr. THOMAS of Utah. Mr. President, by the act of July 20, 1940, an embargo was laid on the exportation of certain materials useful for war purposes. Such exports may be made only under license. The act was limited to June 30, 1942. The reason for the act arose from some difficulties we had over rubber.

The bill would allow the embargo to remain until 6 months after the end of the war or until the act is repealed by concurrent resolution or until the President shall determine that there is no further need for the embargo. The bill would make it possible for the United States to control the exportation of materials which can be used and are used for war purposes. If the present law is not continued, such materials may be purchased by private individuals and find their way into the hands of our enemies.

Mr. TAFT. Mr. President, the objection which occurs to me to the bill as it stands is that it absolutely delegates to the President, without any guide or principle whatever, complete power to prohibit the exportation of anything or everything which may be exported from this country. That power would extend for 6 months after the end of the war. It seems to me that, while it may be necessary to control exports, Congress should at least prescribe some kind of principles or some guidance which may be followed in prohibiting exports.

When the law was originally enacted it was confined to the principle of prohibiting the exportation of commodities which we might need in connection with the manufacture of munitions. The Board of Economic Warfare, entirely disregarding the limitations on that power, has gone ahead and tried to prohibit the exportation of everything. Its legal power to do so has been questioned, and very properly so. It seems to me that if we are to grant such tremendous power, absolutely to shut off all exports from this country, it ought to be based upon some legislative principle which should be followed by the Board of Economic Warfare in making such prohibitions. The policy seems to me to be of such importance that I object to the consideration of the bill at this time under the 5-minute rule.

Mr. THOMAS of Utah. Mr. President, if the Senator objects, I think we ought to put the Senate on notice that the present law expires on June 30. As the Senator from Ohio says, the law operates through Executive orders by the President. Through such Executive orders the powers have actually been expanded, and the Board of Economic Warfare is actually doing things which it was not assumed would be done in peacetime when the law went into effect. However, we are now at war; and if the present law is permitted to expire on June 30, we may find ourselves in great difficulty with respect to the exportation of materials which should not be exported at the present time.

Mr. TAFT. I shall have no objection to consideration of the bill on Thursday, if the Senator wishes to take it up at that time; but I should like to have an opportunity to examine it a little more thoroughly before it is actually debated on the floor of the Senate.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL COMPENSATION FOR CUSTODIAL EMPLOYEES OF DISTRICT OF COLUMBIA BOARD OF EDUCATION

The Senate proceeded to consider the bill (H. R. 6899) to exempt custodial employees of the District of Columbia Board of Education from the operation of the provisions of section 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916, which had been reported from the Committee on the District of Columbia, with amendments, on page 1, line 9, after the name "Columbia" to strike out the words "by reason of any provision, decision, or construction of said section, or acts amendatory thereto"; on page 2, line 9, after the word "schools", to strike out "and for nonrecreational purposes"; and in line 14, after the word "compensation", to insert "at a rate not in excess of the rate of pay received as an employee of the Board of Education."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes, was announced as next in order.

Mr. PEPPER. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LEANNA M. STRIGHT

The bill (H. R. 6598) for the relief of Leanna M. Stright, was considered, ordered to a third reading, read the third time, and passed.

ALEX GAMBLE

The Senate proceeded to consider the bill (H. R. 6410) for the relief of Alex Gamble, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "$4,000", and insert "$2,000."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PERCY RAY GREER

The Senate proceeded to consider the bill (S. 2363) for the relief of Percy Ray Greer, a minor, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the words "sum of", to strike out "$1,000", and insert "$500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to the lawful guardian of Percy Ray Greer, a minor, of Rayville, La., in full satisfaction of all claims against the United States for compensation for personal injuries sustained by the said Percy Ray Greer on July 19, 1941, as the result of an accident involving a United States Army command car in which he was riding as a passenger: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINNIE C. SANDERS

The Senate proceeded to consider the bill (S. 2461) for the relief of Minnie C. Sanders, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "$5,000", and insert "$1,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Minnie C. Sanders, of the township of Union, Union County, N. J., the sum of $1,500, in full satisfaction of her claim against the United States for compensation for personal injuries sustained by her when she was struck by a Government motorcycle on the West Point Military

Reservation, West Point, N. Y., on June 3, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. SAVAGE

The bill (H. R. 5526) for the relief of James E. Savage, was considered, ordered to a third reading, read the third time, and passed.

JEFF ROBERTS

The bill (H. R. 6349) for the relief of Jeff Roberts, was considered, ordered to a third reading, read the third time, and passed.

EDWARD P. REILLY

The Senate proceeded to consider the bill (H. R. 6077) for the relief of Edward P. Reilly, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "$1,500", and insert "$1,000."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALICE W. MILLER

The bill (H. R. 3352) for the relief of Alice W. Miller was considered, ordered to a third reading, read the third time, and passed.

A. H. LARZELERE

The bill (H. R. 5938) for the relief of A. H. Larzelere was considered, ordered to a third reading, read the third time, and passed.

VERNON VAN ZANDT

The bill (S. 2551) for the relief of Vernon Van Zandt was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the status of Vernon Van Zandt, doctor of medicine, 947 West Eighth Street, Los Angeles, Calif., as a United States medical officer, the payments made to him as fees for medical treatment furnished by him during the period from July 16, 1934, to May 1, 1937, inclusive, to employees of the Government entitled to medical care and treatment under the Employees' Compensation Act of September 7, 1916, as amended, be, and the same are hereby, validated.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay to Dr. Vernon Van Zandt, out of any moneys in the Treasury not otherwise appropriated, a sum equal to the total amount refunded by him on account of the payments validated by section 1 hereof.

CHAN TSORK-YING

The bill (H. R. 2419) for the relief of Chan Tsork-ying was considered, ordered to a third reading, read the third time, and passed.

ANNIE BROWN

The bill (H. R. 1349) for the relief of Annie Brown was considered, ordered to a third reading, read the third time, and passed.

G. H. CONDON AND OTHERS

The bill (H. R. 5610) for the relief of G. H. Condon, M. E. Cannon, W. J. Esterle, C. C. Gasaway, James F. Retallack, and L. G. Yinger was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. E. P. BALL

The Senate proceeded to consider the bill (H. R. 6184) for the relief of Mr. and Mrs. E. P. Ball, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of", to strike out "$3,590.59", and insert "$2,590.59."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIM OF CHARLES E. SALMONS

The Senate proceeded to consider the bill (S. 2195) conferring jurisdiction upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons, which had been reported from the Committee on Claims, with an amendment, on page 2, line 1, after the figures "1941", to insert a colon and the words *"Provided*, That the judgment, if any, shall not exceed $5,000", so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons, of Sedalia, Mo., against the United States for compensation for the death of his wife, Nadine Salmons, as a result of a collision between the automobile in which she was riding as a passenger and a United States Army Air Corps tractor on Highway No. 50, near Tipton, Mo., on August 10, 1941: *Provided*, That the judgment, if any, shall not exceed $5,000.

SEC. 2. In the determination of such claim, the United States shall be held liable for damages, and for any acts committed by any of its officers or employees, to the same extent as if the United States were a private person.

SEC. 3. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 23 of the Judicial Code, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STANDARD DESIGN FOR A SERVICE FLAG

The bill (S. 2442) to authorize the Secretary of War to approve a standard design for a service flag was announced as next in order.

Mr. McNARY. Mr. President, there are three bills relating to the same subject matter, Calendar Nos. 1513, 1514, and 1515. I should like to have the bills go over unless they are explained at this time.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. GURNEY] reported Calendar No. 1513, Senate bill 2442.

Mr. McFARLAND. Mr. President, Calendar Nos. 1514 and 1515, Senate bill 481 and House Joint Resolution 303, provide merely for codification of the existing rules and customs pertaining to the display and use of the flag of the United States. No penalty is provided in either measure. Calendar No. 1514, Senate bill 481, is sponsored by the senior Senator from Arkansas [Mrs. CARAWAY]. That bill is identical with House Joint Resolution 303. I move that the Senate proceed to consider House Joint Resolution 303, and, if the joint resolution shall be passed, I shall then move that Senate bill 481 be indefinitely postponed.

The PRESIDING OFFICER. Calendar No. 1513 should be first disposed of.

Mr. McFARLAND. Calendar No. 1513 is not the same as Calendar Nos. 1514 and 1515.

The PRESIDING OFFICER. In pursuance of the regular order, Calendar No. 1513 should be first disposed of.

Mr. McFARLAND. I beg the Chair's pardon; I thought we had reached Calendar No. 1514.

Mr. CLARK of Missouri. Mr. President, I desire to speak on Calendar No. 1513, Senate bill 2442. The bill was introduced by me at the request of the American Legion. It is simply a bill to authorize the Secretary of War to adopt a standard service flag to be displayed, under regulations to be prescribed by him, by the immediate relatives of men in the service.

I shall state the purpose of the bill. There have been a number of different designs for a service flag by various service organizations, and also some private designs, some of which, I understand, have been patented, with the result that there is no standardization and no official emblem which the immediate relatives of men in the service are entitled to display. It is believed that it would be very desirable to permit the Secretary of War to adopt a standard, no matter what it may be, which will then become the recognized emblem for such service flag display, and which then may only be manufactured under license from the War Department, with the idea of eliminating the profit element. I believe that there can be no possible objection to it. The committee also adopted an amendment authorizing the Secretary of War to authorize and adopt a lapel button to be worn by immediate relatives of men in the service. I do not think there can be any possible objection to it, because it simply is in the interest of standardization and authorization.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2442) to authorize the Secretary of War to

approve a standard design for a service flag, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War is authorized and directed to approve a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person serving in the armed forces of the United States during the current war.

SEC. 2. The Secretary of War is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States during the current war.

SEC. 3. Upon the approval by the Secretary of War of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of War for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates this act, shall, upon conviction thereof, be fined not more than $1,000.

SEC. 4. The Secretary of War is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of War to approve a standard design for a service flag and a service lapel button."

CODIFICATION OF RULES AND CUSTOMS PERTAINING TO DISPLAY OF THE AMERICAN FLAG

The bill (S. 481) to regulate and codify existing rules and customs pertaining to the display and usage of the flag of the United States of America, was announced as next in order.

Mr. McFARLAND. Mr President, I ask unanimous consent that House joint resolution 303, Calendar No. 1515, be substituted for Senate bill 481, and be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 303) to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America, which had been reported from the Committee on the Judiciary with amendments.

Mr. McFARLAND. Mr. President, the House joint resolution does not provide any penalty for the misuse of the flag, but simply prescribes what shall be the proper use of the flag, and codifies the rules governing the usage of the flag as they have been established by the Navy and the Army and various organizations in the past.

The PRESIDING OFFICER. The clerk will state the amendments reported by the committee.

The first amendment of the Committee on the Judiciary was, on page 1, after line 9, to insert a new section, as follows:

SEC. 2 (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

The amendment was agreed to.

The next amendment was, at the beginning of line 5, to strike out "SEC. 2. (a)" and insert "(b)."

The amendment was agreed to.

The next amendment was, at the beginning of line, 7 to strike out "b" and insert "c."

The amendment was agreed to.

The next amendment was, at the beginning of page 9, to strike out "(c)" and insert "(d)."

The amendment was agreed to.

The next amendment was, on page 2, line 19, after the date "December 25" to insert "such other days as may be proclaimed by the President of the United States."

The amendment was agreed to.

The next amendment was, on page 2, at the beginning of line 23, to strike "(d)" and insert "(e)."

The amendment was agreed to.

The next amendment was, on page 3, at the beginning of line 1, to strike out "(e)" and insert "(f)."

The amendment was agreed to.

The next amendment was on the same page, at the beginning of line 3, to strike out "(f)" and insert "(g)."

The amendment was agreed to.

The next amendment was, in section 3, page 5, paragraph (k), in line 14, after the word "auditorium", to strike out "whether" and insert "if"; in the same line, after the word "in", to strike out "or outside"; and in line 15, after the word "on", to strike out "or in front of a" and insert "the."

The amendment was agreed to.

The next amendment was, in the same section and paragraph, on page 5, at the beginning of line 19, to insert "so displayed in the chancel or on the platform."

The amendment was agreed to.

The next amendment was, in the same section and paragraph, on page 5, line 21, after the word "audience", to insert "But when the flag is displayed from a staff in a church or public auditorium elsewhere than in the chancel or on the platform it shall be placed in the position of honor at the right of the congregation or audience as they face the chancel or platform. Any other flag so displayed should be placed on the left of the congregation or audience as they face the chancel or platform."

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to strike out:

SEC. 5. That during the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in a review, all persons present should face the flag, stand at attention, and salute. The salute to the flag in the moving columns should be rendered at the moment the flag passes.

And insert:

SEC. 5. That during the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in a review, all persons present should face the flag, stand at attention, and salute. Those present in uniform should render the right-hand salute. When not in uniform, men should remove the headdress with the right hand holding it at the left shoulder, the hand being over the heart. Men without hats merely stand at attention. Women should salute by placing the right hand over the heart. The salute to the flag in the moving column should be rendered at the moment the flag passes.

The amendment was agreed to.

The next amendment was, on page 8, after line 23, to insert:

SEC. 6. That when the national anthem is played and the flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the flag is displayed, the salute to the flag should be given.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

SEC. 7. That the pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation indivisible, with liberty and justice for all," be rendered by standing with the right hand over the heart; extending the right hand, palm upward, toward the flag at the words "to the flag" and holding this position until the end, when the hand drops to the side. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress. Persons in uniform shall render the military salute.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

The amendment was agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 481 will be indefinitely postponed.

HARVEY C. ARTIS

The bill (H. R. 780) for the relief of Harvey C. Artis was considered, ordered to a third reading, read the third time, and passed.

CATHERINE R. JOHNSON

The bill (H. R. 3402) for the relief of Catherine R. Johnson was considered, ordered to a third reading, read the third time, and passed.

A. MACK DODD AND HENRY DODD

The bill (H. R. 6597) for the relief of A. Mack Dodd and Henry Dodd was con-

sidered, ordered to a third reading, read the third time, and passed.

F. A. HOLMES

The bill (H. R. 6676) for the relief of F. A. Holmes, former United States disbursing clerk for the State of Illinois, was considered, ordered to a third reading, read the third time, and passed.

MRS. CHARLES O. DEFORD

The bill (H. R. 3173) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to Mrs. Charles O. DeFord was considered, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the relief of Mrs. Charles O. DeFord."

BILLS PASSED OVER

The bill (S. 2585) to provide that loans on the 1942 crop of corn, wheat, rice, cotton, tobacco, and peanuts shall be made at a rate equal to the parity price was announced as next in order.

Mr. McNARY. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2500) relating to the assessment of tangible personal property in the District of Columbia, and for other purposes, was announced as next in order.

Mr. McNARY. I ask that the bill go over unless it is explained.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT TO JANITORS AND CUSTODIANS FOR SERVICES TO LOCAL SELECTIVE-SERVICE BOARDS

The bill (S. 1622) to authorize payment to janitors and custodians of the public schools of the District of Columbia for services rendered for local boards of the Selective Service System was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 6 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes," approved May 10, 1916, as amended, or any other provision of law, janitors and custodians employed in the public schools of the District of Columbia shall be entitled to be paid additional compensation, computed at the regular rate of compensation received by them, for any services rendered, outside their usual hours of employment at either day or night sessions of such schools, during the period from October 16, 1940, to January 31, 1941, for local boards of the Selective Service System located in various public-school buildings; and the appropriation for the operation and maintenance of the Selective Service System, contained in the Third Supplemental National Defense Appropriation Act, 1941, approved October 8, 1940, is hereby made available for such purpose.

MEMORIAL TO GEORGE EARLE CHAMBERLAIN IN GALLINGER HOSPITAL

The bill (S. 2316) to provide for the placing in Gallinger Hospital of a memorial to George Earle Chamberlain was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to provide for the placing, with appropriate ceremonies, in Gallinger Hospital, Washington, D. C., of a bust of the late George Earle Chamberlain, formerly a Senator from the State of Oregon, or a suitable bronze plaque bearing his name and a proper inscription, as a memorial to his efforts and achievements on behalf of Gallinger Hospital.

SEC. 2. There is hereby authorized to be appropriated the sum of $500, or so much thereof as may be necessary, to be expended by the Commissioners of the District of Columbia for the purpose of carrying out the provisions of this act.

METROPOLITAN POLICE FORCE OF THE DISTRICT OF COLUMBIA

The bill (S. 2502) relating to the Metropolitan Police force of the District of Columbia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That all persons appointed to the Metropolitan Police force of the District of Columbia as privates after the effective date of this act shall serve a probationary period of 3 years: *Provided*, That the annual increases in salary provided for by the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia," approved July 1, 1930, shall not be affected.

SEC. 2. There shall be a Board in the Metropolitan Police Department to be known as the Metropolitan Police Probationers Board, and it shall consist of three officers of the Metropolitan Police force of the rank of captain or higher, who shall be designated by the Commissioners of the District of Columbia from time to time for service on said Board.

If any commanding officer has cause to believe that any probationer under his command is inefficient, or that he has been guilty of misconduct, or that his services are not satisfactory, such commanding officer shall forward a full written report respecting such inefficiency, misconduct, or unsatisfactory services to the major and superintendent of police. The major and superintendent of police shall thereupon forward said report to the Metropolitan Police Probationers Board, which shall consider the case carefully, then return the report, with its own report and recommendation, to the major and superintendent of police. The major and superintendent of police shall then forward all papers in the case, together with his recommendation, to the Commissioners for final action as to whether or not the probationer shall be dismissed. If the Commissioners shall be of opinion, in view of all the circumstances of the case, that the probationer should not be retained in the service, they shall forthwith order him dismissed from the force.

The Commissioners of the District of Columbia shall have power to adopt such regulations as they may deem advisable relating to the making and forwarding of reports concerning the inefficiency, misconduct, or unsatisfactory services of probationers and governing procedure before the Metropolitan Police Probationers Board.

SEC. 3. From and after the effective date of this act the privates of the Metropolitan Police force of the District of Columbia shall be classified as follows: Privates, class 1, and privates, class 2. Class 1 shall comprise all privates who are serving or who shall hereafter be serving their probationary period. Class 2 shall comprise all privates who have served 3 years or more on the force. Upon the approval of this act all privates classified under existing law as privates, classes 2 and 3, shall be classified as privates, class 2: *Provided, however*, That those privates who are serving their probationary period on the date of the approval of this act shall continue to serve the probationary period prescribed by law when they were appointed to the force, and upon the completion of such period shall be placed in class 2: *Provided further*, That hereafter, in order that the full complement of the Metropolitan Police force may at all times be maintained, as authorized by law, the Commissioners of the District of Columbia are authorized, when vacancies occur in class 2 of said Metropolitan Police force which cannot be filled by promotion, to appoint privates in class 1 equal in number to the positions vacated in said class 2; and the respective salaries specifically provided for such vacant positions may be reduced to pay the salaries of the privates so appointed in class 1.

SEC. 4. There is hereby created in the Metropolitan Police force of the District of Columbia the rank of corporal, at a salary of $2,600 per annum, to be filled by promotion from the rank of private, class 2, as provided for in section 3 hereof, in such numbers as the Commissioners may deem necessary within the appropriations made by Congress. Promotion to the rank of corporal, and from that rank to the rank of sergeant, shall be made in accordance with the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and such regulations as to examination, qualifications, and length of service on the force as the United States Civil Service Commission may approve.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. This act shall become effective upon its approval by the President.

BILL PASSED OVER

The bill (H. R. 6386) to provide for an adjustment of salaries of the Metropolitan Police, etc., was announced as next in order.

Mr. BURTON. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOSEPH SHARFSIN

The bill (H. R. 6925) to provide additional compensation for Joseph Sharfsin, Esq., for professional services rendered the District of Columbia, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA INCOME TAX ACT

The bill (H. R. 6953) to amend the District of Columbia Income Tax Act, as amended, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. BURTON subsequently said: Mr. President, a few moments ago the Senate passed House bill 6953 to amend the District of Columbia Income Tax Act, as amended, and for other purposes. It is a clarifying act, and I think it will be helpful if I may have unanimous consent to place in the RECORD immediately

following the passage of the bill a copy of the report of the Senate committee and also a copy of a letter from the Corporation Counsel addressed to me under date of June 11, 1942, explaining the reasons for the clarification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report and letter are as follows:

(Report No 1480)

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6953) amending the District of Columbia Income Tax Act, as amended, and for other purposes, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

The District of Columbia Income Tax Act levies a tax upon the income from District of Columbia sources of domestic and foreign corporations and requires every corporation engaged in business or commercial activity in the District to obtain a license so to do. It is the purpose of this proposed amendment to exempt from the tax income from the sale of personal property where orders therefor require acceptance without the District before becoming binding on the purchaser and seller and title to such property passes from the seller to the purchaser without the District, and to exempt from the licensing provisions of the act corporations which merely obtain orders for the sale of personal property by telephone, mail, or personal solicitation by salesmen in the District where such orders require acceptance without the District and title passes without the District.

The bill also provides that income from the sale of personal property to the United States is not from District sources, unless the taxpayer is engaged in business in the District and such property is delivered for use within the District.

The passage of the bill is recommended by the Commissioners of the District of Columbia.

A letter explaining the provisions of this measure and purposes sought to be achieved thereby are contained in a letter signed by the corporation counsel of the District of Columbia, dated April 21, 1942, and submitted herewith for the information of the Senate.

APRIL 21, 1942.

MY DEAR SENATOR: Pursuant to your telephone request of this afternoon asking that I advise you as to the effect of the bill substituted for H. R. 6871 (H. R. 6953) please be advised as follows:

This measure, to the best of my information, will result in a loss of revenue to the District of Columbia of approximately $185,000 per annum, plus an unknown additional figure.

Under the terms of the bill, a foreign corporation which has a representative in the District of Columbia soliciting orders, the acceptance thereof being out of the District and title to such property passing from the purchaser to the seller without said District, would not be subject to the District of Columbia tax. Furthermore, the District would obtain no tax from the sale of personal property to the United States unless the seller is engaged in business in the District of Columbia and the property sold to the United States is delivered for use in said District.

The practical effect, so far as sales to the United States Government are concerned, is that foreign corporations not engaged in business in the District of Columbia would pay no tax, and even those engaged in business in the District of Columbia would only pay a tax upon the income from sales of such property for use in the District.

Foreign corporations which merely obtain orders for the sale of personal property from persons in the District by telephone, mail, or personal solicitation (which orders are accepted without the District) would not be subject to the tax unless delivery is made into the District in some manner whereby title to the goods passes in the District. Generally title would pass in the District in cases where delivery is made into the District in the delivery equipment of the seller, or c. o. d., or draft with bill of lading attached. In substantially all cases where sales are made by corporations not engaged in business in the District the parties can arrange for delivery in a manner whereby title will pass without the District, thus relieving the seller of the District income tax.

Very truly yours,

RICHMOND B. KEECH,
Corporation Counsel,
District of Columbia.

CORPORATION COUNSEL,
DISTRICT OF COLUMBIA,
Washington, June 11, 1942.

Hon. HAROLD H. BURTON,
United States Senate, Washington, D. C.

DEAR SENATOR: Reference is made to our telephone conversation of this date regarding the estimated loss in revenue which the District will suffer from enactment of the provisions of H. R. 6953, amending the District of Columbia Income Tax Act, and the purpose of section 5 thereof authorizing the Assessor to compromise inheritance taxes in double domicile cases.

Section 2 (b) of the District of Columbia Income Tax Act levies a tax upon the income from District of Columbia sources of every corporation. This office has construed the law to tax income of foreign corporations derived from the sale of tangible personal property to buyers in the District in cases where such sales were the result of personal solicitation in the District. Public Law No. 428 was approved on February 2, 1942. This act amended the District of Columbia Income Tax Act by adding thereto several new sections, one of which requires every corporation engaged in any business or receiving income from District sources to obtain a license so to do, and further provides for the revocation of such licenses for failure to pay an income tax to the District and for prosecution of persons engaged in business or commercial activity on behalf of corporations not having a license so to do.

After enactment of Public No. 428, numerous complaints were received by Members of Congress from representatives of corporations required to obtain licenses thereunder. Hearings were held by the House District Committee, and the first four sections of H. R. 6953 were prepared at the request of the committee.

For the tax year 1940, corporations having no District address paid income taxes in the approximate amount of $185,000. It is my understanding that substantially all of these receipts represented income from sales solicited in the District, in which cases the orders were accepted and title to the goods passed without the District. Thus, substantially all of such revenues will be lost under the provisions of H. R. 6953. In addition thereto, it appears that many corporations subject to the tax under the District's interpretation of the law have not filed returns nor paid any tax. We have no way of estimating the number of such corporations nor the amount of revenue lost as the result of their exemption from the provisions of the act. While the Commissioners are opposed to the exemption of foreign corporations from the tax and the consequent reduction in District revenues, it is thought that enactment of H. R. 6953 will accomplish the purposes desired by the interested parties with the least possible disruption of the other provisions of the District of Columbia Income Tax Act.

Section 5 of H. R. 6953 was added at the request of the Commissioners. In many cases where decedents have homes in two or more taxing jurisdictions it is difficult, if not impossible, to determine which of such homes was the principal domestic establishment or domicile of such decedent. In such cases each of the jurisdictions involved generally claims the right to assert inheritance and estate taxes upon the transfer of the entire estate on the grounds that the decedent was domiciled therein. In some cases, where several jurisdictions are involved, the taxes claimed exceed the value of the entire estate (see *Texas* v. *Florida, et al.*, 306 U. S. 398). Cases of conflicting domicile, where no compromise or settlement may be effected, generally result in lengthy and costly litigation, and it is not unusual that a decedent is held to be domiciled in two jurisdictions, in which event the estate is required to pay inheritance or estate taxes to each jurisdiction upon the transfer of the entire estate.

Proposals for solving the double domicile problem have been for some years the subject of study and controversy by the National Tax Association and various other groups of interested persons. The proposal that claims arising under cases of conflicting domicile be settled by compromise appears to be the most satisfactory one yet made and this solution already has been adopted by a number of the States and is receiving favorable consideration by others.

The Commissioners are authorized to compromise liability under the District of Columbia Income Tax Act, and it is their view that they also should be authorized to compromise inheritance and estate taxes in cases of conflicting claims of domicile.

Very truly yours,

RICHMOND B. KEECH,
Corporation Counsel, District of Columbia.

COTTON ACREAGE ALLOTMENTS

The bill (S. 2545) to promote the war effort by facilitating the planting of the full allotted acreage of cotton as recommended by the Secretary of Agriculture as the Nation's war goal was announced as next in order.

Mr. McNARY. Mr. President, I think properly the purpose of the bill should be disclosed to the Senate.

Mr. LEE. Mr. President, the purpose of this bill is to allow a cotton farmer to lend any part of his cotton allotment to some other farmer without prejudicing his allotment for the next year. Specifically, it would apply in the Southwest, for instance, where the green bugs ate up all the wheat crop, but there is still time, though not much left, for the farmers affected to plant some cotton, so that the year's crop will not be a total loss to them.

The purpose of the bill is simply to make it possible for the Agricultural Department to distribute the unused cotton allotment to other farmers. It would not increase the total cotton allotment but would simply allow the use by other farmers of the allotments which have not been used by the farmers to whom they have been given.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsection (h) of section 344 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended as follows:

After the word "apportionment" in first proviso add the words "of either original allottee or transferee."

At the end of the first proviso of this subsection, after the word "years", strike out the semicolon, add a comma and the words "and parity and soil-conservation payments shall remain with the original allottee in the same manner as though no portion of allotment had been temporarily transferred." At the end of this subsection, as amended, strike out the period, add a colon and the words "*Provided further*, That this maximum of 40 percent of the acreage on such farms shall not apply to such acres as may be temporarily reallocated to such farm by the county committee, as provided in this subsection."

AMENDMENT OF IMMIGRATION ACT

The bill (H. R. 5870) to amend section 21 of the Immigration Act of February 5, 1917, was considered, ordered to a third reading, read the third time, and passed.

COOPERATION BETWEEN THE BUREAU OF RECLAMATION AND FARM SECURITY ADMINISTRATION

The bill (S. 2322) to remove the time limit for cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of August 7, 1939 (Public, No. 307, 76th Cong., 1st sess.), as amended by the act of June 17, 1940 (Public, No. 636, 76th Cong., 3d sess.), and as amended by the act of May 28, 1941 (Public, No. 77, 77th Cong., 1st sess.), is hereby further amended by striking out "during the fiscal year 1942."

The PRESIDING OFFICER. This completes the calendar.

PREVENTION OF PERNICIOUS POLITICAL ACTIVITIES

Mr. BROWN. Mr. President, I should like to inquire whether there is any probability that next Thursday we can take up for consideration Order of Business 1389, Senate bill 2471, providing for amendment of the Hatch Act. The bill has been reported from the Committee on Privileges and Elections. I understand it is contemplated that the Senate will take an adjournment until Thursday. This is a bill in which the teachers of the country, through the National Education Association and the American Association of University Professors, are very much interested. It has been on the calendar for some time. The junior Senator from Oregon [Mr. HOLMAN] has discussed it with me on two or three occasions. When the calendar has been called the bill has been passed over without action being taken, and I should like to have it taken up next Thursday, if it will not interfere with the legislative program.

Mr. BARKLEY. It had been expected that today the junior Senator from Florida [Mr. PEPPER] would seek to obtain consideration of a bill on the calendar which was put over from last Monday until today, but, at the request of certain Senators who could not be present today, it was not taken up. It is my hope that we will take that bill up Thursday. I do not know how long will be required in its consideration, but so far as I am personally concerned, after the disposition of that bill I shall not object to the Senate considering the bill to which the Senator from Michigan refers.

Mr. BROWN. I thank the Senator very much. I note that the junior Senator from Oregon has just entered the Chamber, and perhaps he has been informed that we are discussing Order of Business 1389, the proposed amendment to the Hatch Act.

Mr. HOLMAN. My attention was just called to the fact that the bill was under discussion.

Mr. BROWN. We hope to have it taken up Thursday, after the conclusion of the consideration of a bill which the junior Senator from Florida desires to have considered.

AUTHORIZATION FOR COMMITTEES TO REPORT, ETC.

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the contemplated adjournment following today's session, committees be authorized to submit reports to the Senate on bills or resolutions ready for report, that the Vice President be authorized to sign bills or resolutions ready for signature, and that the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had further insisted upon its disagreement to the amendments of the Senate numbered 9, 11, 13, 24, 32, 113, 114, and 115 to the bill (H. R. 6430) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1943, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM of Virginia, Mr. FITZPATRICK, Mr. HOUSTON, Mr. STARNES, Mr. HENDRICKS, Mr. WIGGLESWORTH, Mr. DIRKSEN, and Mr. CASE of South Dakota were appointed managers on the part of the House at the further conference.

The message also announced that the House had agreed to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, and 11 to the bill (H. R. 7182) making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes; that the House agreed to the amendments of the Senate No. 6 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House disagreed to the amendment of the Senate No. 7 to the bill.

The message further announced that the House further insisted upon its disagreement to the amendment of the Senate No. 1 to the joint resolution (H. J. Res. 308) making appropriations to provide war housing and war public works in and near the District of Columbia; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the further conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution; and they were signed by the Vice President:

S. 2025. An act to readjust the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2285. An act to provide for the retirement, with advanced rank, of certain officers of the Navy;

S. 2427. An act to amend the Act relating to preventing the publication of inventions in the national interest, and for other purposes;

S. 2496. An act to authorize the construction or acquisition of additional naval aircraft, and for other purposes;

H. R. 7036. An act to authorize the attendance of the Marine Band at the fifty-second annual reunion of the United Confederate Veterans to be held at Chattanooga, Tenn., June 23 to 26, inclusive, 1942; and

S. J. Res. 130. Joint resolution to extend certain emergency laws relating to the merchant marine, and for other purposes.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MAYBANK in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. HILL, from the Committee on Commerce, submitted the following favorable reports of nominations:

Sundry officers for promotion in the Coast Guard; and

Several employees of the Coast and Geodetic Survey to be hydrographic and geodetic engineers with the rank of lieutenant commander in that Survey, from April 24, 1942.

THE COAST GUARD

Mr. HILL. Mr. President, I report favorably from the Committee on Commerce nominations of the cadets who will graduate next Friday morning at the United States Coast Guard Academy to be ensigns. In order that those who graduate may be commissioned ensigns Friday, it is necessary that their nominations be confirmed by the Senate. I understand the Senate is to adjourn until Thursday, and I ask unanimous consent that the norminations be considered at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be stated.

The legislative clerk proceeded to state sundry nominations in the Coast Guard.

Mr. HILL. I ask that the nominations be confirmed en bloc, and that the President be notified forthwith.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc, and the President will be immediately notified.

If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Reginald S. Kazanjian, of Rhode Island, to be consul.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles J. Pisar, of Wisconsin, to be consul.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

ADJOURNMENT TO THURSDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until 12 o'clock noon Thursday next.

The motion was agreed to; and (at 3 o'clock and 17 minutes p. m.) the Senate adjourned until Thursday, June 18, 1942, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 15, 1942:

DIPLOMATIC AND FOREIGN SERVICE

Orray Taft, Jr., of California, now a Foreign Service officer of class 8 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

FEDERAL COMMUNICATIONS COMMISSION

James Lawrence Fly, of Tennessee, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1942 (reappointment).

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

TO BE A MAJOR GENERAL

Lt. Gen. Delos Carleton Emmons (colonel, Air Corps), Army of the United States, vice Maj. Gen. Adna R. Chaffee, deceased.

TO BE A BRIGADIER GENERAL

Lt. Gen. Delos Carleton Emmons (colonel, Air Corps), Army of the United States, vice Brig. Gen. William Bryden appointed major general, Regular Army.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE A LIEUTENANT GENERAL

Maj. Gen. Joseph Taggart McNarney (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

TO BE MAJOR GENERALS

Brig. Gen. Ralph Royce (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Willis Henry Hale (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

TO BE BRIGADIER GENERALS

Col. Edwin Sanders Perrin (captain, Air Corps; temporary major, Air Corps), Army of the United States.

Col. Ennis Clement Whitehead (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Kenneth Newton Walker (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States—Air Corps), Army of the United States.

Col. Carl William Connell (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Albert Lee Sneed, Air Corps.

Col. Nathan Farragut Twining (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States—Air Corps), Army of the United States.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Capt. Daniel J. Callaghan to be a rear admiral in the Navy, for temporary service, to rank from the 28th day of May 1942.

Commander Gail Morgan to be a captain in the Navy, to rank from the 1st day of January 1942.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of January 1942:

Alvin I. Malstrom
Geoffrey E. Sage

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 1st day of January 1942:

Loring O. Shook	William E. Howard, Jr.
Elmer O. Davis	Raymond O. Burzynski
Howard W. Taylor	Ralph K. James
Thurston B. Clark	John Quinn
Charles R. Watts	Harry E. Sears
James R. Lee	Harlow J. Carpenter

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Norman D. Gage, December 24, 1941.
Byron H. Nowell, January 1, 1942.
Elbert M. Stever, January 1, 1942.
David H. McClintock, January 1, 1942.
Walter F. Henry, January 1, 1942.

Lt. (Jr. Gr.) Grant O. Hansen, United States Naval Reserve, to be a lieutenant (junior grade) in the Navy, to rank from the 1st day of July 1941.

Lt. (Jr. Gr.) William J. Bush to be a lieutenant (junior grade) in the Navy, to rank from the 1st day of June 1942, to correct the date of rank as previously nominated and confirmed.

The following-named assistant surgeons of the United States Naval Reserve, to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names:

William A. Reishtein, March 20, 1941.
Hubert M. Poteat, Jr., July 7, 1941.

Asst. Surg. Richard C. Morrison to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), to rank from the 5th day of May 1942, to correct the date of rank as previously nominated and confirmed.

Acting Asst. Surg. Henry J. Caes to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), to rank from the 2d day of June 1942.

Assistant Paymaster Charles L. Harris, Jr., to be passed assistant paymaster in the Navy, with the rank of lieutenant, to rank from the 1st day of January 1942.

The following-named assistant paymasters of the United States Naval Reserve, to be assistant paymasters in the Navy, with the rank of ensign, to rank from the date stated opposite their names:

Harmon S. Tolbert, May 30, 1940.
Marion V. Fowler, November 18, 1941.
Stanford F. Zimet, November 18, 1941.
Daniel G. Cone, November 18, 1941.

Capt. Theodore S. Wilkinson to be a rear admiral in the Navy, to rank from the 21st day of April 1942.

Lt. Comdr. Milo R. Williams to be a commander in the Navy, to rank from the 1st day of January 1942.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

James E. Johnson, July 1, 1941.
Kenneth West, December 1, 1941.
Hubert B. Harden, January 1, 1942.
Frank L. Barrows, January 1, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1942:

DIPLOMATIC AND FOREIGN SERVICE

Reginald S. Kazanjian to be a consul of the United States of America.

Charles J. Pisar to be a consul general of the United States of America.

COAST GUARD OF THE UNITED STATES

TO BE ENSIGNS IN THE COAST GUARD TO RANK FROM THE 19TH DAY OF JUNE 1942

Arthur Arnold Atkinson, Jr.
Harvey Niell Joseph Moore Aviles
Roger Hicks Banner
George Thomason Beemer
George Franklin Breitwieser, Jr.
Fletcher Webster Brown, Jr.
Ernest Hill Burt, Jr.
Joseph Lawrence Butt
Peter Joseph Butvidas
Leroy Allen Cheney
James William Christman
Robert Johnson Clark
Robert Paul Cunningham
Ward Jackson Davies, Jr.
Opie Lloyd Dawson
John Everard Day
Charles Dorian
Robert Eugene Emerson
George Clayton Fleming
Hersey Cecil Forehand, Jr.
Sherman Kendall Frick
Richard Lindley Fuller
Frederick August Goettel
Harry Eugene Haff, Jr.
Eugene Lewis Hall
John Locke Haney
Roderick Lynn Harris
Albert Aal Heckman
Harold Thompson Hendrickson
Wells Frederick Impson
Gerhard Karl Kelz
George Hiram Lawrence

Urial Herbert Leach, Jr.
Bainbridge Bradley Leland
James David Luse
Hugh Ferrel Lusk
Donald Harry Luzius
Clinton Earl McAuliffe
Marcus Harper McGarity
James Walter McGary
James Walter Moreau
William Clement Morrill
Frederick Clarke Munchmeyer
Charles Edward Norton
Theodore Somerville Pattison, Jr.
Curtis Roderick Peck
Julian Robert Raper, Jr.
Jerry Koller Rea
Stanley Herbert Rice
Francis Xavier Riley
Billy Richard Ryan
Charles William Scharff
Edward Donald Scheiderer
Frank Close Schmitz
Charles Martin Shepard 3d
Stanton Duane Smith
John Wallace Sutherland
William Perley Thoman
Lewis Walter Tibbits, Jr.
Louis Aelred Volse
Douglas Davis Vosler
John Mayo Waters, Jr.
Kenneth Eugene Webb
Richard Herbert Welton
Kenneth Evans Wilson
David William Woods
Walter Alden Wright
George Jacob Yost
Richard William Young
Charles Zelinski

POSTMASTERS

CALIFORNIA

Joseph V. Gaffey, Burlingame.
Thomas G. Boothroyd, Central Valley.
Lillian L. Throne, Palos Verdes Estates.
William H. McCarthy, San Francisco.
Elmer R. Winchell, Susanville.

KANSAS

George O. Hunt, Belle Plaine.
William E. Gallanaugh, Gardner.
Samuel N. Nunemaker, Hesston.
George E. Smysor, Mulvane.
Amos A. Belsley, Wellington.

LOUISIANA

Ralph N. Menetre, Covington.
Ernest S. Jemison, Slidell.

MONTANA

Margaret M. Westlund, Frazer.
Hugh H. Waldron, Froid.

OHIO

Frank J. McCauley, Marietta.
John Maurer, New Philadelphia.

PENNSYLVANIA

Orabel Rarick, Barnesville.
Daniel Warne Rankin, Dunbar.
Harry L. Verner, East Brady.
Leonard E. Devilbiss, Fawn Grove.
Joseph J. Myers, Irvine.
William Killion, Irvona.
Thomas R. Lawler, Jessup.
Howard E. Bixler, Manchester.
Frank H. Zinke, Jr., Monaca.
Lottie Tueche, New Eagle.
Robert H. Barber, Rydal.
Harry O. Shirey, Sheffield.
James M. Gates, South Fork.
Nellie M. Graham, Torrance.
Cora H. Stephens, White Mills.
Sadie L. Brunner, Worcester.

APPOINTMENTS IN THE NAVY FOR TEMPORARY SERVICE

TO BE REAR ADMIRALS

Frederick C. Sherman
Walden L. Ainsworth
Norman Scott
Howard H. Good
Mahlon S. Tisdale

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 15, 1942

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord and Master of us all, our help in ages past, abide with us in that silence behind which there is a sure and steadfast anchorage of the soul. We praise Thee for that truth which no depths can drown and which lifts us above the tyranny of these tragic times. Grant that from the springs of night there may well a holy light that shall penetrate the veneer of barbarism, making us aware that, however dark the shadows, they but conceal a brighter dawn. We thank Thee that Thy light is world-wide and world-deep and is the germinating power of the soul of humanity.

O Saviour, the Light of the world that never dims and the Life that never dies, Thou hast set us in the bonds of time; even the angels in their mission through the skies are not stayed in their flight. As the flames of human life are quivering on yonder battlefields, forgive us if feet are loitering and wills are faltering; we pray Thee to inspire us with hard, hard toil that does not die with evening time. As a world bent and bleeding stands out on either side of us, oh, lead captivity captive and pluck out of its heart the great mystery of the tragedy of human suffering. Bless and guide our President, our Speaker, and the Congress that the matchless glory of our democracy may be revealed. Glory be to Thee, O Lord Most High. Amen.

The Journal of the proceedings of Thursday, June 11, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill, joint resolution, and concurrent resolution of the House of the following titles:

H. R. 5204. An act authorizing the charging of fees for brand inspection under the Packers and Stockyards Act, 1921, as amended;

H. J. Res. 316. Joint resolution making an additional appropriation for the fiscal year 1942 for the training and education of defense workers; and

H. Con. Res. 67. Concurrent resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on the bill entitled "Revenue revision of 1942."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6355. An act to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the Senate of the following titles:

S. 2427. An act to amend the act relating to preventing the publication of inventions in the national interest, and for other purposes;

S. 2496. An act to authorize the construction or acquisition of additional naval aircraft, and for other purposes; and

S. J. Res. 130. Joint resolution to extend and amend certain emergency laws relating to the merchant marine, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6071) entitled "An act to grant a preference right to certain oil and gas lessees," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon; and appoints Mr. HATCH, Mr. O'MAHONEY, and Mr. HOLMAN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7041) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1943, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon; and appoints Mr. O'MAHONEY, Mr. GLASS, Mr. OVERTON, Mr. THOMAS of Oklahoma, Mr. MCCARRAN, Mr. NYE, and Mr. HOLMAN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7182) entitled "An act making additional appropriations for the Navy Department and the Naval Service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS. Mr. RUSSELL, Mr. NYE, and Mr. HOLMAN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6430) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1943, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate, Nos. 30 and 34, to the foregoing bill; further insists upon its amendments, Nos. 9, 11, 13, 24, 32, 113, 114, and 115 to the said bill disagreed to by the House, and asks a further conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. GLASS, Mr. RUSSELL, Mr. TRUMAN, Mr. GREEN, Mr. MCKELLAR, Mr. NYE, and Mr.

WHITE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6709) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate Nos. 2, 17, 18, 31, and 36 to the foregoing bill; that the Senate disagrees to the amendments of the House to the amendments of the Senate Nos. 40, 44, and 79 to said bill; that the Senate further insists on its amendments Nos. 19, 21, 38, 40 to 48, inclusive, 79, 81, 83, 85, 86, 90, 91, 93, 95, 96, 97, 101, and 102 to said bill, and that it ask a further conference with the House on the disagreeing votes of the two Houses thereon; and that Mr. RUSSELL, Mr. HAYDEN, Mr. TYDINGS, Mr. BANKHEAD, Mr. SMITH, Mr. NYE, and Mr. MCNARY be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2025) entitled "An act to readjust the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service."

MEMBERS-ELECT

The SPEAKER laid before the House the following communications from the Clerk of the House, which were read:

JUNE 12, 1942.

The honorable the SPEAKER,
House of Representatives.

SIR: The certificate of election in due form of law of Hon. ELMER J. HOLLAND as a Representative-elect to the Seventy-seventh Congress, from the Thirty-third Congressional District of Pennsylvania, to fill the vacancy caused by the resignation of Hon. JOSEPH A. MCARDLE, is on file in this office.

Very truly yours,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

JUNE 10, 1942.

The honorable the SPEAKER,
House of Representatives.

SIR: The certificate of election in due form of law of Hon. THOMAS B. MILLER as a Representative-elect to the Seventy-seventh Congress, from the Twelfth Congressional District of Pennsylvania, to fill the vacancy caused by the resignation of Hon. J. HAROLD FLANNERY, is on file in this office.

Very truly yours,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

SWEARING IN OF MEMBERS

Mr. HOLLAND and Mr. MILLER appeared at the bar of the House and took the oath of office.

APPROPRIATION FOR WAR HOUSING AND WAR PUBLIC WORKS IN DISTRICT OF COLUMBIA

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 308, making appropriations to provide war housing and war public works in and near the District of Columbia, with Senate amendments thereto, and further insist on the disagreement of the House to amendment No. 1 and to agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

Mr. TABER. Mr. Speaker, I reserve the right to object because I feel the House has gone into this situation thoroughly. We have found that there was need for dormitories for people who are to work in the Government departments. We have found that there is no need for these houses that the Senate has put on and that there is no justification for them. That is the reason that this bill has not become law. I feel that the Senate ought to yield.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. Will the gentleman point out that it was shown in the hearings that private capital had agreed to build 40,000 family dwelling units for the defense program and the conferees felt that at least this program ought to be developed and used before the Government itself went into the building of family dwelling units? We did agree and are willing and have always been willing to give them the barracks which they need.

Mr. TABER. And to go just as far as necessary.

Mr. CANNON of Missouri. And attention also might be called to the disproportionate cost of construction.

Mr. TABER. It is a terrible cost to go and build substantial family houses such as the Senate wanted, and I do not believe that the War Production Board would give them a priority for it if the money were provided.

Mr. WOODRUM of Virginia. We ought to go to conference, though, and see if we cannot work it out.

Mr. TABER. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. CANNON of Missouri, WOODRUM, LUDLOW, SNYDER, O'NEAL, JOHNSON of West Virginia, RABAUT, JOHNSON of Oklahoma, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

INDEPENDENT OFFICES APPROPRIATION BILL, 1943

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6430) making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1943, and for other purposes, with Senate amendments, further insist upon the disagreement of the House to the amendments of the Senate numbered 9, 11, 13, 24, 32, 113, 114, and 115, and agree to the further conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

Mr. WIGGLESWORTH. Mr. Speaker, reserving the right to object, there is included in the amendments in dispute an amendment dealing with the Civil Service Commission and the so-called Board of Legal Examiners. I hope the gentleman from Virginia can give the House some assurance that the conferees will not yield on that amendment without it being brought back for a further vote in the House.

Mr. WOODRUM of Virginia. I would not like to give assurances of that kind. If the conferees reach a point where they think they ought to agree I think we ought to have a free conference. The gentleman knows how we have all felt about it and I think he can rest assured we will do what ought to be done.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. May I say to the gentleman from Massachusetts that if the conferees are going to make any such agreement as that, we would want a similar agreement on the Tennessee Valley Authority amendment.

Mr. WOODRUM of Virginia. We would like to have a free conference, if we could, I may say to the gentleman. I am sure we shall have no trouble.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WOODRUM of Virginia; FITZPATRICK, HOUSTON, STARNES of Alabama, HENDRICKS, WIGGLESWORTH, DIRKSEN, and CASE of South Dakota.

SEVENTH SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATION BILL

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7182) making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes, with Senate amendments thereto, for immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, there are 11 Senate amendments to this bill. They add $75,000 to the amount provided by the House but otherwise are largely a matter of adjustment of phraseology. I move, therefore, that the House concur in all of the Senate amendments except amendments numbered 6 and 7, as to which I shall offer a separate motion when this motion is disposed of.

The SPEAKER. The Clerk will report all the Senate amendments except Nos. 6 and 7.

The Clerk read as follows:

Page 2, after line 6, insert:

"OFFICE OF THE SECRETARY

"Miscellaneous expenses, Navy, 1942: For the temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes, or the classification laws, or section 5 of the act of April 6, 1914 (38 Stat. 335), $75,000, of which amount $65,000 shall be available for the payment of obligations incurred since January 28, 1942."

Page 3, line 5, strike out "1942."

Page 3, line 6, after "$15,000,000" insert ", to remain available until expended."

Page 3, line 22, strike out "1942."

Page 3, line 23, strike out "1942."

Page 5, line 8, after "vessels", insert ", subject to authorization thereof by other law."

Page 5, line 8, strike out all after "vessels" down to and including "thereof" in line 14.

Page 5, line 20, after "$1,190,000", insert ": *Provided*, That existing limitations with respect to the detail of personnel to officers' quarters and messes ashore shall not apply to the Coast Guard Academy, the Coast Guard Yard, the New London Base, Coast Guard and merchant marine officers' training stations, and in addition, not to exceed 95 in number at such stations as shall be designated by the Commandant of the Coast Guard with the approval of the Secretary of the Navy."

Page 5, line 21, after "$4,110,000" insert ": *Provided*, That existing limitations with respect to the furnishing of equipment for officers' messes ashore shall not apply to the Coast Guard Academy, the Coast Guard Yard, Coast Guard bases, and Coast Guard and merchant marine officers' training stations."

The Senate amendments were agreed to.

The SPEAKER. The Clerk will report Senate amendments Nos 6 and 7.

The Clerk read as follows:

Page 5, line 7, strike out "500,000".

Page 5, lines 7 and 8, strike out "tons of."

Mr. CANNON of Missouri. Mr. Speaker, I offer a motion, which I send to the desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House agree to Senate amendment numbered 6 with an amendment as follows: In lieu of the matter stricken out insert "not to exceed 1,000,000."

Mr. CANNON of Missouri moves that the House disagree to Senate amendment numbered 7.

Mr. CANNON of Missouri. Mr Speaker, these two amendments, Nos. 6 and 7, relate to the construction of auxiliary naval tonnage. As the bill originally passed the House and was transmitted to the Senate, provision was made for the use of funds and legislative authority to construct 500,000 tons. The Senate amended that by providing for the construction of an unlimited tonnage, subject to authorization of other law. We propose here to provide for the construction of not to exceed 1,000,000 tons, as may be authorized by other law, instead of an unlimited amount as the Senate proposes.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. TABER. The bill as it passed the House provided for 500,000 tons of construction, and, as we understood it, that was the amount of the authorization. The Senate added an unlimited amount of tonnage and permitted anything to be started that might be authorized during 1943. We felt that it ought to be limited, and we have brought this amendment back, which would bring it to 1,000,000 tons, which is all these people ought to start right now.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. Let me see if I understand this. The 500,000 tons is authorized. This amendment provides for 1,000,000 tons, but the money is made available for only 500,000 tons. Before they can go up to 1,000,000 tons there must be a further authorization of 500,000 tons.

Mr. TABER. That is right.

Mr. VINSON of Georgia. But there need be no further appropriation, because the appropriation is now being set up for 1,000,000 tons, provided the Committee on Naval Affairs and the House recommend an additional 500,000 tons.

Mr. TABER. That is correct. There would be no further construction permitted until after further authorizing legislation went through.

Mr. CANNON of Missouri. Mr. Speaker, there is a House bill pending in the Senate authorizing the construction of 500,000 tons. It is our understanding that the Senate proposes to increase this authorization to 750,000 or 1,000,000 tons. The Navy Department has requested authorization up to 1,000,000 tons. For that reason, my motion provides that we agree to not to exceed 1,000,000 tons, or such part as the bill now in the Senate may finally authorize.

Mr. VINSON of Georgia. It simply means that the House will hereafter authorize an additional 500,000 tons before the money will become available for that 500,000 tons.

Mr. CANNON of Missouri. Upon the enactment of that authorization, this fund will become available.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does the gentleman know whether or not the steel mills will be able to furnish this tonnage, and how soon?

Mr. CANNON of Missouri. They have never yet failed to supply all that was needed for the American Navy.

Mr. RICH. I am told that many shipyards now are waiting for plates for ships, and are unable to get them because the steel mills are unable to produce them.

Mr. VINSON of Georgia. May I say to the gentleman from Pennsylvania that this type of construction will not interfere with furnishing plates for other types of construction. There is no conflict between this 500,000 tons plus the authorization for the money for 1,000,000 tons with any other shipbuilding program.

Mr. RICH. Has it not been the fact that some of the shipbuilders have been waiting on steel?

Mr. VINSON of Georgia. On certain types of ships, particularly battleships, there has been a slowing down on account of the heavy armor.

Mr. RICH. I may say to the chairman that if under the lease-lend we would stop shipping steel to operate those gold mines over in Africa and permit such steel to be made for the construction of battleships, we would probably get the steel we need.

Mr. CANNON of Missouri. I will say to the gentleman that the first step is legislation authorizing this construction and the second is making appropriations for the construction, and that is what we are attending to now to be governed by the final terms of the authorizing bill.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address I made over the radio on last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1943

Mr. TARVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6709) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes, further insist upon the disagreement of the House to the Senate amendments still in disagreement, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, there are one or two members of the Appropriations Committee that I do not see on the floor who would want to object to this request until they had a chance to be here. I wonder if the gentleman from Georgia would not withdraw his request at this time.

Mr. TARVER. I may say to the gentleman from Massachusetts that it is not the purpose of the conferees to have another conference until Thursday, which gives ample time for the other member of the conference committee to return to Washington if he desires to do so and participate in the conference. On account of the fact that only 15 days intervene between this date and the end of the present fiscal year and on account of the further fact that there are many important amendments still in disagreement, it seems to be urgent that we should not delay the conference beyond Thursday of this week.

Mr. MARTIN of Massachusetts. If the gentleman is not going to have a meeting until Thursday, there will be nothing lost by not pressing the motion at this time, and therefore I feel that until I have a chance to consult certain Members I shall have to object.

Mr. TARVER. I understand, I will say to the gentleman, that some Members, or one Member on the gentleman's side is impressed with the feeling that there should not be a further conference unless that Member is accorded the privilege of voting by proxy. Since there appears to be no reason why the Member in question should not attend the conference if he desires, we on this side, since it is a very unusual request, will not be able to concur in it. If the gentleman from Massachusetts objects, then our only recourse will be to ask the Rules Committee this afternoon for a rule sending the bill to conference, as it is extremely urgent that it should go to conference as soon as possible.

Mr. MARTIN of Massachusetts. I do not care what procedure the gentleman follows, because that is his own lookout; but if the gentleman is not going to have a meeting until Thursday, I do not see any reason why the gentleman cannot make the same request tomorrow, when other members of the committee will be here.

Mr. TARVER. No; the other member to whom the gentleman refers will not be here tomorrow, and that will only delay sending the bill to conference, because if the gentleman maintains his attitude, a rule will have to be requested eventually, so why not now? If the gentleman desires to object, that is his privilege.

Mr. MARTIN of Massachusetts. I object, Mr. Speaker.

FAMILY ALLOWANCES FOR DEPENDENTS OF ENLISTED MEN OF THE ARMY, NAVY, MARINE CORPS, AND COAST GUARD

Mr. MAY submitted a conference report and statement on the bill (S. 2467) to provide family allowances for the dependents of enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, and for other purposes.

EXTENSION OF REMARKS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the inclusion of an Associated Press dispatch relating to the story of the sinking of the carrier *Lexington*.

The SPEAKER. Is there objection?

There was no objection.

STATE, JUSTICE, COMMERCE APPROPRIATION BILL, 1943—CONFERENCE REPORT

Mr. RABAUT. Mr. Speaker, I present a conference report and statement upon the bill (H. R. 6599) making appropriations for the Department of State, the Department of Justice, the Department of Commerce, and the Federal judiciary for the fiscal year ending June 30, 1943, and for other purposes, for printing under the rule.

FIFTH LEND-LEASE REPORT (H. DOC. NO. 799)

The SPEAKER laid before the House the following message from the President of the United States, delivered to the Clerk of the House on June 12, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States of America:

This is the fifth 90-day report to the Congress on operations under the Lend-Lease Act.

For the 3 months ending May 31, 1942, lend-lease aid amounted to more than $1,900,000,000. For the 15-month period from March 1941 through May 1942 aid totaled $4,497,000,000 in goods and services. We are now making aid available at a monthly rate equivalent to $8,000,000,000 per year.

Dollar figures do not portray all that is happening. The Congress has wisely set few limits to the types of aid which may be and are being provided. Food—over 5,000,000,000 pounds—and medicine have helped to sustain the British and Russian and Chinese peoples in their gallant will to fight. Metals, machine tools, and other essentials have aided them to maintain and step up their production of munitions. The bombardment planes and the tanks which were ordered for them last spring and summer are now putting their mark on the enemy. The British pilots trained in this country have begun their work at Cologne and Essen.

And lend-lease is no longer one way. Those who have been receiving lend-lease aid in their hour of greatest need have taken the initiative in reciprocating. To the full extent of their ability, they are supplying us, on the same lend-lease basis, with many things we need now. American troops on Australian and British soil are being fed and housed and equipped in part out of Australian and British supplies and weapons. Our Allies have sent us special machine tools and equipment for our munitions factories. British antiaircraft guns help us to defend our vital bases, and British-developed detection devices assist us to spot enemy aircraft. We are sharing the blueprints and battle experience of the United Nations.

These things, invaluable as they have proven, are not the major benefit we will receive for our lend-lease aid. That benefit will be the defeat of the Axis. But the assistance we have been given by our partners in the common struggle is heartening evidence of the way in which the other United Nations are pooling their resources with our own. Each United Nation is contributing to the ultimate victory not merely its dollars, pounds, or rubles, but the full measure of its men, its weapons, and its productive capacity.

Our reservoir of resources is now approaching flood stage. The next step is for our military, industrial, and shipping experts to direct its full force against the centers of enemy power. Great Britain and the United States have together set up expert combined bodies to do the job, in close cooperation with Russia, China, and the other United Nations. They are equipping the United Nations to fight this world-wide war on a world-wide basis. They are taking combined action to carry our men and weapons—on anything that will float or fly—to the places from which we can launch our offensives.

By combined action now, we can preserve freedom and restore peace to our peoples. By combined action later we can fulfill the victory we have joined to attain. The concept of the United Nations will not perish on the battlefields of this terrible war. It will live to lay the basis of the enduring world understanding on which mankind depends to preserve its peace and its freedom.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 11, 1942.*

THE STARS AND STRIPES

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. BOLTON. Mr. Speaker, last week was set aside as Flag Week to celebrate the one hundred and sixty-fifth anniversary of the official acceptance of the Stars and Stripes by the Congress.

Born of blood and tears, symbol of tolerance, justice, mercy, and a profound belief in the Eternal God, it is well, indeed, for us to reconsecrate ourselves from time to time to those ideals it represents.

I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ATTEMPT TO "PURGE" CONGRESS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

[Mr. KNUTSON addressed the House. His remarks appear in the Appendix.]

HIS MAJESTY, KING GEORGE II OF GREECE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, there is in the city a distinguished king of a great people, His Majesty George II of Greece. I think it fitting and proper that the Members should have the privilege of meeting our distinguished guest. Therefore I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time, such recess to be subject to the call of the Chair.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in receiving as our guest today King George of Greece, we not only honor him, but through him we honor the heroic people of brave Greece.

Greece occupies a foremost page in the history of man. The people of that brave country have contributed greatly to the constructive progress of mankind.

This generation has enhanced the great part their forbears have played in the known history of man.

This generation of Greeks has undergone trials and tribulations unknown to past generations. They have been tested as no generation of Greeks have; and many generations of the past in Greece

have had severe and trying periods of pain and suffering.

This generation, in its bravery, in its adherence to faith—love of God and love of country—in its devotion to the ideals and aspirations of Greece of today, have made sacrifices that command the attention, respect, and sympathy of all decent mankind. When the history of this period is written in its true light the heroism and the sacrifices of the brave people of Greece will occupy prominent pages. Greece and its people will receive proper and fitting recognition for the part played in defeating the vicious forces of world destruction—and in preserving for the future a world in which righteousness and decency will prevail.

Greece may be overrun by the pagan forces of nazi-ism, but Greece is not conquered or defeated.

The spirit of Greece still exists, and still fights on. It is only a few days ago that our distinguished guest, the brave King George of Greece, stated:

> My people not only were still fighting, but would continue to fight on to victory until a new world is established.

In a recent press conference the Prime Minister of Greece, Emmanual Tsouderos, who is accompanying King George, was asked, "Are the Greeks able to resist now?" "They have never stopped resisting," was his reply.

King George, in a recent statement, said:

> I am in your Capital to renew to your great President and to the American Government and people Greece's pledge to continue the battle—as long as the road to victory may be—until a new world is established where the desire for peace will be synonymous with the will to achieve peace and the determination to preserve peace.

That is the statement of a brave warrior and a great, sincere statesman.

The people of Greece—small, but brave Greece—are fighting for the preservation of their homes, their freedom, their independence, and at the same time for a future decent world in which to live.

They have the will to win and the determination and the courage to win.

These brave people, according to reports, are undergoing great suffering and distress as a result of the inhuman practices of the Nazi hordes. Food, clothing, medicine, and other necessities of life are needed to relieve the distressing situation that exists.

Our country should, and we all know it will, do everything within its power to relieve the distress that exists.

In any event, when victory comes to our cause, courageous Greece will occupy its place among the nations of the world as a free and independent nation, commanding the respect, assistance, and support of the United States of America. Our admiration, our friendship, and the debt of gratitude owed to Greece will not be forgotten when victory comes to our cause.

We are honored in having as our guest today this great leader of a brave people who do not know the meaning of the word "defeat." He represents the sovereignty of his people, their righteous cause, their bravery, their sacrifices, their hopes and aspirations—the restoration in the future of their complete and untrammeled freedom and independence.

In receiving him as our guest we honor him as a man. We also honor him as the representative of a brave government and a courageous people.

RECESS

The SPEAKER. The House will now stand in recess, and the Chair appoints as a committee to escort our distinguished guest to the Chamber, the gentleman from Massachusetts [Mr. McCORMACK], the gentleman from Massachusetts [Mr. MARTIN], the gentleman from New York [Mr. BLOOM], and the gentlewoman from Massachusetts [Mrs. ROGERS].

Accordingly (at 12 o'clock and 41 minutes p. m.) the House stood in recess.

The committee appointed by the Chair escorted King George to the Chamber, and he took his place on the rostrum at the side of the Speaker.

The SPEAKER. Members of the House of Representatives, we regret the circumstances that brought our distinguished guest to this country, and that he is not today in the great land of Greece, there administering to his flock. The head of a great nation and a proud people, it is my pleasure, it is my high privilege, it is my distinguished honor to present to you His Majesty, George II, King of Greece.

His Majesty King George addressed the House as follows:

Mr. Speaker and Members of the House of Representatives of the Congress of the United States, I am proud to be in your midst and to bring you the greetings of fighting Greece.

By your side, by the side of Great Britain and of the other United Nations of free men, I continue and shall continue, no matter what the hardships, whatever the cost, the struggle for the liberation of Greece, a nation which over a span of 5,000 years survived vicissitudes and force, and which today is much less disposed than ever to surrender its great heritage of civilization and languish a prisoner to the powers of darkness and of evil.

When we took up arms first against the Italians and then against the Germans, we knew very well what misfortunes awaited our country and how difficult it was for our friends immediately to come to our assistance. France then lay prostrate and most of the smaller nations of Europe, one after the other, had bowed to the might of the invader, but no Greek doubted for an instant where his honor lay. With the help of God and knowing that every Greek was ready and willing to die in defense of his freedom and his honor, I assumed the responsibility to history and to the Greek people to lead them forward in the full performance of their duty. At one of the most critical crossroads of human history, when the fate of civilization hung in the balance, Greece proved by its stand that no price was too high to pay for human freedom and international decency.

Fortunately the sacrifices of my country were not in vain. Due to the resistance of the Greek people in continental Greece and in Crete, 7 precious months were gained at a most crucial stage of the war, and the plans of the invader went awry. The Greek victories in Albania shattered irretrievably Italy's prestige and our resistance to Germany saved precious time for other fronts.

In this struggle Greece is proud to find itself a second time within a quarter of a century by the side of the powerful and generous American democracy. In the United States my country always has found support and sympathetic understanding. The valuable aid which you have given us during this war will never be forgotten. The initiative which you took along with Great Britain, to bring relief to the starving people of Greece, is a tribute to your civilization, which is characterized by a Christian spirit of helpfulness. I thank you from the bottom of my heart.

I know that the people of the United States by long and arduous effort have earned the right to be and are a living example of the best in contemporary civilization and that they are inspired by those nobler feelings and ideals which distinguish civilized man from the barbarian. Your prosperous democracy by long and persistent application has utilized for the benefit of the working masses the numerous technological means which human intellect today contributes to civilization and has given us tangible proof of fairness and of justice.

You have not employed the power of your great country to attack weaker nations. You have given an example of self-restraint, shown how a most powerful country can impose justice upon itself first so that it may rightly exact it of others. The great ideals with which the United States today inspires the peoples of the world will contribute not only to the happier conclusion of the current war but will provide the foundations of the happier and more harmonious life after the war which humanity expects.

Decency and justice must govern relations between people in the post-war world which must not be left a prey to vandalism a further time. In order to achieve this result the machinery of international cooperation must be strengthened so as to utilize in order under law the tremendous resources of peace-loving peoples. The economic life of the nations must be reorganized in a manner which shall secure to all the well-being to which the plain men and women of the world are entitled. Above all else it is vital that those who have fought the battle of right be secured against invasion, and the wrongdoers—including those who either for ulterior motives or simply because of weakness permitted themselves to become tools of the Axis—be impressed that predatory policies do not pay. The preservation of freedom is not the obligation of any single people in any one part of the world; it is an obligation of all peace-loving peoples throughout the world. This simple truth is the base rock of international understanding and the cornerstone for cooperation between freemen in the world to come.

Greece with its limited resources is wholeheartedly at the service of these ideals. Today when more than ever victory is clearly discernible on the flaming horizon, she is determined to contribute whatever she can toward that victory. Knowing the boundless resources which the American people are placing in motion for the common effort, I feel duty bound to speak with great modesty of my country's contribution to the same cause. However small that contribution may appear to be in contrast with what you are doing, it is everything we have. With all our free fighting men who have survived, with all our ships which have not been sunk, we will fight on land, we will fight on sea, and we will fight in the air, to the very end, by your side and by the side of the other United Nations, until barbaric violence is put down and a new world is established—a world for freemen, not for slaves.

At the conclusion of the address King George was escorted to the Well of the House where he received the Members.

AFTER RECESS

The recess having expired, the House was called to order at 1 o'clock and 12 minutes p. m.

The SPEAKER. Without objection, the proceedings during the recess of the House will be printed in the RECORD.

There was no objection.

INVESTIGATION OF WAR PROGRAM

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. THOMASON addressed the House. His remarks appear in the Appendix.]

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1943

Mr. MAHON, from the Committee on Appropriations, submitted a conference report and statement on the bill (H. R. 7041) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1943, for printing in the RECORD.

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a very excellent address delivered by the gentleman from Michigan [Mr. DONDERO] in the rotunda of the Capitol on Flag Day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I also ask unanimous consent that the gentleman from Illinois [Mr. PADDOCK] may extend his own remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

BLACK-OUT CURTAINS FOR THE HOUSE OFFICE BUILDINGS

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, Defense Coordinator John Russell Young has announced that there will be an all-night black-out test on Wednesday next. The headlines of the paper say that willful violators of the black-out will face penalties. I think that is a fine idea and I am for it, but I call attention of the Members of the fact that despite previous black-out trials we have had no arrangements made as yet for providing black-out curtains for the House Office Buildings.

The Senate Office Building has had these black-out curtains for a considerable period of time, and it seems to me the time has arrived when Members of the House should not be kept out of their offices on nights when black-out tests are scheduled because of failure to provide proper black-out protection. Many of us work in our offices at night and arrangements should be made so that we might have black-out curtains.

Furthermore, we are not trying to teach Members where to hunt for the electric-light switches nor how to walk in the dark, but we are trying to provide for decent conditions during black-outs and for the protection of the Capital City.

I trust that between now and Wednesday night black-out curtains will be provided for the House Office Buildings. Private citizens and offices are being threatened with penalties for noncompliance and I think the Government, itself, should be among the first to cooperate rather than among the last to comply.

[Here the gavel fell.]

EXTENSION OF REMARKS

(By unanimous consent, Mr. GUYER was granted permission to extend his own remarks in the RECORD.)

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks and include a Flag Day address which I delivered in Washington on yesterday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter on the oil situation as printed in the Springfield (Mass.) Union.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short article entitled "A Tribute to Our Flag."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PARLIAMENTARY LEGISLATIVE BODIES

Mr. HOOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOOK. Mr. Speaker, most worthwhile things in life, while being enjoyed and appreciated, generally, have been taken for granted. So it has been with democracy. The most of us, while enjoying and appreciating the benefits of democracy, have been taking them for granted.

We, as legislators, as parliamentarians in a democracy, have the responsibility for making democracy work and for making democracy secure.

During the past 20 years we have seen the slow, but steady fade-away of parliamentary bodies. Parliamentary or legislative bodies, as such, no longer exist in a large portion of the world—we are the largest and most important parliamentary legislative body still alive.

The main reason for the disappearance of parliamentary, legislative bodies has been their failure to solve the economic and social problems of their peoples.

Perhaps, if we, if Congress, if our parliamentary, legislative body does not use its powers to solve the social and economic problems of our people, this body, as parliamentary bodies elsewhere, also may disappear.

We still have an opportunity to prove ourselves worth while and it is imperative that we do so. Let us unite to bring H. R. 1036 on the floor for discussion to settle some of our current problems and to prepare for the peace to come.

I, therefore, want to urge you who have not yet signed discharge petition No. 7, to sign now, to bring H. R. 1036 on the floor for action on old-age pensions now.

EXTENSION OF REMARKS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a poem by T. J. Kilmuth.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOGGS. Mr. Speaker, I also ask unanimous consent to extend my remarks and include a letter by the president of Loyola University of New Orleans.

The SPEAKER. Is there objection?

There was no objection.

COMMITTEE ON RIVERS AND HARBORS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors may sit today during the session of the House and during the remainder of the week.

The SPEAKER. Is there objection?

There was no objection.

OLD-AGE PENSION ANNUITY AND INSURANCE SYSTEM

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. SMITH of Washington addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an address I made in my home district.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to ex-

tend my own remarks in the Appendix of the RECORD on two topics, in one to include a resolution of the Independent Petroleum Consumers Association supporting a bill I introduced, and in the other to include an address made by me before the subcommittee of the Senate Committee on Commerce.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I desire to submit two requests: I ask unanimous consent that on tomorrow afternoon after the disposition of the business on the Speaker's table and other special orders I may address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GREEN. I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include therein certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. GREEN addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter written by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks on two subjects and to include therein certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by Hon. Joseph B. Eastman, Director of the Office of Defense Transportation, on the 9th of this month at Cleveland, Ohio. With his usual clarity and ability Mr. Eastman discusses our important current transportation problems.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made by Dean Acheson of the State Department.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE CONSENT CALENDAR

The SPEAKER. This is consent day. The Clerk will call the first bill on the calendar.

PUYALLUP TRIBE OF INDIANS, WASHINGTON; TO AUTHORIZE CORRECTIONS IN TRIBAL ROLL

The Clerk called the first bill on the Consent Calendar, H. R. 4578, to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

The SPEAKER pro tempore (Mr. BLAND). Is there objection to the present consideration of the bill?

Mr. PRIEST. Mr. Speaker, reserving the right to object, this bill has been passed over on several occasions. The gentleman from Washington [Mr. COFFEE], is on the floor. I believe it would be well for him to make a statement concerning this legislation.

Mr. COFFEE of Washington. Mr. Speaker, this bill has been pending before the House for many months and was commented upon by the gentleman from Missouri [Mr. COCHRAN] to the effect that the Department of the Interior had written in its report to the House Committee on Indian Affairs certain seeming objections. I took this up with the Secretary of the Interior. After several conferences I succeeded in securing from the Department of the Interior a report which said it was now satisfied that the points to which they directed attention in their letter to the committee had been worked out satisfactorily.

The bill merely provides a means by which certain funds now in the possession of the Government and belonging to the Puyallup Tribe of Indians can be distributed. It merely sets up the manner in which funds shall be distributed.

The objections of the Department have been straightened out and I can conceive of no tenable reason for anyone requesting that the bill hereafter go over. It is desired that the bill be enacted and the money paid out as soon as possible.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill was passed over without prejudice at the request of our colleague from Michigan [Mr. WOLCOTT]. He is unavoidably absent today. Therefore, out of courtesy to him, I ask unanimous consent that it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. COLE]?

There was no objection.

FRED B. WOODARD

The Clerk called the next bill, H. R. 3759, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee [Mr. PRIEST]?

There was no objection.

PHILIPPINE ARMY PAY BILL

The Clerk called the next bill, S. 2387, to equalize the rates of pay of all personnel in the United States Army, the Navy, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes.

Mr. COLE of New York. Mr. Speaker, this bill carries an authorization for an appropriation of approximately $60,000,000. The committee studying these bills feels it is of such a nature that it should be considered by the House, although the bill itself is very meritorious; therefore, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. COLE]?

There was no objection.

CODIFICATION OF TITLE I OF THE UNITED STATES CODE

The Clerk called the next bill, H. R. 4280, to codify Title I of the United States Code.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, when this bill was called up at the call of the last Consent Calendar, the gentleman from Michigan [Mr. WOLCOTT] made inquiry if the measure in any way altered, modified, or changed existing law. In the absence of an explanation at that time it was passed over without prejudice. I see the chairman of the committee, the gentleman from New York [Mr. KEOGH], is present, and I shall be glad to have him explain the bill. Before he does that may I express my own personal compliment to him and to his committee for undertaking this rather monumental work which when completed will serve as a permanent framework on which to construct future legislation.

Mr. KEOGH. Mr. Speaker, this bill, together with the other three that appear later on the calendar today is the first of a series of bills that have been or will be introduced and which will have as their ultimate object the enactment into positive law of the United States Code. The attainment of that objective will create a permanent framework of existing law of a general nature within and around which all future new and amendatory legislation may be drafted in code form, that is, in language of title and section.

We have a precedent for this in title XXVI, which is the title containing the Internal Revenue Code. Any of the Members who have had anything to do with legislation affecting title XXVI since the enactment of that code know how much better and how much easier it is not only to draft legislation but also to explain it.

One looking at such bill knows immediately what the objective is and how that objective is sought to be reached.

This bill, together with the other three presently pending on the calendar, makes absolutely no change in the substantive law but rather codifies existing law as it presently stands. For this reason we are hopeful that we may get some action on it looking toward the ultimate attainment of our objective. There is no agency of Government, no Member of the House nor anyone connected with the law generally to whom our objective has

been explained who has not wholeheartedly approved it.

Mr. COLE of New York. This bill codifies title I of the code and the other two bills codify titles IV, VI, and IX. What is happening to the other intermediate numbers?

Mr. KEOGH. We have taken each title of the code and propose to make a separate bill of it. There will, of course, be some titles that will perhaps require minor revision before they can be passed and we hesitate to put them on the Unanimous Consent Calendar.

This title, as well as some of the other titles, are the ones that can be enacted into law without any change at all. That is why we have taken I, IV, VI, and IX. They are the easiest, and we would rather begin with the easiest and work up to the hardest.

Mr. COLE of New York. After the gentleman has succeeded in completing codifying the whole existing law does he or his committee have any program or plan by which they may educate the membership of the House toward using the codification after it has been accomplished?

Mr. KEOGH. We are hoping that by the time our ultimate objective is attained there will perhaps be some modification of the method of legislative drafting. I may say to the gentleman that I have pending before the Committee on Accounts, and have had for some time, a bill (H. R. 4901) to create a permanent office of law revision counsel which might coordinate not only the work of our committee but also the work of legislative drafting.

Mr. COLE of New York. I think the gentleman's committee has undertaken a very worth-while project from the standpoint of systematic and logical changes or enactments of law.

Mr. KEOGH. I am very much obliged to the gentleman.

I should like to acknowledge our appreciation for the assistance that we have been given in connection with our program by the editorial staff of the West Publishing Co., of St. Paul, Minn., and the Edward Thompson Co., of Brooklyn, N. Y. These organization have been most cooperative in their attitude and have performed a great portion of this work without any compensation.

We are also indebted to Mr. Charles J. Zinn, of the District of Columbia and New York Bar, who has been working with the committee in connection with all of the matters which have come before it.

Mr. COFFEE of Washington. Mr. Speaker, reserving the right to object, I rise to make an observation as ranking member of the committee. I want to compliment the gentleman upon the great industry he has shown in connection with this whole subject matter. He has demonstrated a devotion through modification of Federal statutes that is well worthy of the admiration we have for him.

Mr. KEOGH. I thank the gentleman and express to him and to the other members of the Committee on Revision of the Laws my sincere appreciation for their continuing and intelligent cooperation.

May I observe to the House that we have sought to adopt as the slogan for our work: "Making laws understandable is as important as making the laws."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 1 of the Code of Laws of the United States of America shall read as follows:

"TITLE 1—GENERAL PROVISIONS

"CHAPTER 1—RULES OF CONSTRUCTION

"Words denoting number, gender, etc.

"SECTION 1. In determining the meaning of any act or resolution of Congress words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words 'insane person' and 'lunatic' shall include every idiot, non compos, lunatic, and insane person; the word 'person' may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an 'oath' shall be deemed complied with by making affirmation in judicial form.

"'County' as including 'parish', etc.

"SEC. 2. The word 'county' includes a parish, or any other equivalent subdivision of a State or Territory of the United States.

"'Vessel' as including all means of water transportation

"SEC. 3. The word 'vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

"'Vehicle' as including all means of land transportation

"SEC. 4. The word 'vehicle' includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land.

"'Company' or 'association' as including successors and assigns

"SEC. 5. The word 'company' or 'association,' when used in reference to a corporation, shall be deemed to embrace the words 'successors and assigns of such company or association,' in like manner as if these last-named words, or words of similar import, were expressed.

"Limitation of term 'products of American fisheries'

"SEC. 6. Wherever, in the statutes of the United States or in the rulings, regulations, or interpretations of various administrative bureaus and agencies of the United States there appears or may appear the term 'products of American fisheries,' said term shall not include fresh or frozen fish fillets, fresh or frozen fish steaks, or fresh or frozen slices of fish substantially free of bone (including any of the foregoing divided into sections), produced in a foreign country or its territorial waters, in whole or in part with the use of the labor of persons who are not residents of the United States.

"CHAPTER 2—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

"Enacting clause

"SEC. 101. The enacting clause of all acts of Congress shall be in the following form: 'Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.'

"Resolving clause

"SEC. 102. The resolving clause of all joint resolutions shall be in the following form: 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.'

"Enacting or resolving words after first section

"SEC. 103. No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.

"Numbering of sections; single proposition

"SEC. 104. Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.

"Title of appropriation acts

"SEC. 105. The style and title of all acts making appropriations for the support of Government shall be as follows: 'An act making appropriations (here insert the object) for the year ending June 30 (here insert the calendar year).'

"Printing bills and joint resolutions

"SEC. 106. Every bill or joint resolution in each House of Congress shall, when such bill or resolution passes either House, be printed, and such printed copy shall be called the engrossed bill or resolution, as the case may be. Said engrossed bill or resolution shall be signed by the Clerk of the House or the Secretary of the Senate, and shall be sent to the other House, and in that form shall be dealt with by that House and its officers, and, if passed, returned signed by said Clerk or Secretary. When such bill, or joint resolution shall have passed both Houses, it shall be printed and shall then be called the enrolled bill, or joint resolution, as the case may be, and shall be signed by the Presiding Officers

of both Houses and sent to the President of the United States. During the last 6 days of a session such engrossing and enrolling of bills and joint resolutions may be done otherwise than as above prescribed, upon the order of Congress by concurrent resolution.

"Parchment or paper for printing enrolled bills or resolutions

"SEC. 107. Enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality, as shall be determined by the Joint Committee on Printing.

"Repeal of repealing act

"SEC. 108. Whenever an act is repealed, which repealed a former act, such former act shall not thereby be revived, unless it shall be expressly so provided.

"Repeal of statutes as affecting existing liabilities

"SEC. 109. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

"Saving clause of Revised Statutes

"SEC. 110. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in the Revised Statutes and covered by the repeal contained therein, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

"Repeals as evidence of prior effectiveness

"SEC. 111. No inference shall be raised by the enactment of the act of March 3, 1933 (ch. 202, 47 Stat. 1431), that the sections of the Revised Statutes repealed by such act were in force or effect at the time of such enactment: *Provided, however,* That any rights or liabilities existing under such repealed sections shall not be affected by their repeal.

"Statutes at Large; contents; admissibility in evidence

"SEC. 112. The Secretary of State shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all treaties to which the United States is a party that have been proclaimed since the date of the adjournment of the regular session of Congress next preceding; all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, since that date; all proclamations by the President in the numbered series issued since that date; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Secretary of State issued in compliance with the provision contained in section 160 of title 5. In the event of an extra session of Congress, the Secretary of State shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

"'Little and Brown's' edition of laws and treaties; admissibility in evidence

"SEC. 113. The edition of the laws and treaties of the United States, published by Little and Brown, shall be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public officers of the United States, and of the several States, without any further proof or authentication thereof.

"Sealing of instruments

"SEC. 114. In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance.

"CHAPTER 3—CODE OF LAWS OF UNITED STATES AND SUPPLEMENTS; DISTRICT OF COLUMBIA CODE AND SUPPLEMENTS

"Sec. 201. Publication and distribution of Code of Laws of United States and Supplements and District of Columbia Code and Supplements.

"(a) Publishing in slip or pamphlet form or in Statutes at Large.

"(b) Curtailing number of copies published.

"(c) Dispensing with publication of more than one Supplement for each Congress.

"Sec. 202. Preparation and publication of Codes and Supplements.

"(a) Cumulative Supplements to Code of Laws of United States for each session of Congress.

"(b) Cumulative Supplement to District of Columbia Code for each session of Congress.

"(c) New editions of Codes and Supplements.

"Sec. 203. District of Columbia Code; preparation and publication; cumulative supplements.

"Sec. 204. Codes and Supplements as establishing prima facie the Laws of United States and District of Columbia; citation of Codes and Supplements.

"(a) Code of Laws of United States; effect as prima facie the law.

"(b) District of Columbia Code; effect as prima facie the law.

"(c) District of Columbia Code; citation.

"(d) Supplements to Codes; citation.

"(e) New edition of Codes: citation.

"Sec. 205. Codes and Supplements; where printed; form and style; ancillaries.

"Sec. 206. Bills and resolutions of Committee on Revision of Laws of House of Representatives; form and style; ancillaries; curtailment of copies.

"Sec. 207. Copies of acts and resolutions in slip form; additional number printed for Committee on Revision of Laws of House of Representatives.

"Sec. 208. Delegation of function of Committee on Revision of the Laws to other agencies; printing, etc., under direction of Joint Committee on Printing.

"Sec. 209. Copies of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; conclusive evidence of original.

"Sec. 210. Distribution of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; slip and pamphlet copies.

"Sec. 211. Copies to Members of Congress.

"Sec. 212. Additional distribution at each new Congress.

"Sec. 213. Appropriation for preparing and editing supplements.

"Publication and distribution of code of laws of United States and Supplements and District of Columbia Code and Supplements

"SEC. 201. In order to avoid duplication and waste—

"(a) Publishing in slip or pamphlet form or in Statutes at Large.—Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in sections 202, 203 of this title, shall in event of enactment, be dispensed with whenever the Committee on Revision of the Laws of the House of Representatives so directs the Secretary of State;

"(b) Curtailing number of copies published.—Curtailment of the number provided by law to be printed and distributed of the volumes or publications enumerated in sections 202, 203 of this title may be directed by such committee, except that the Public Printer shall print such numbers as are necessary for depository library distribution and for sale; and

"(c) Dispensing with publication of more than one Supplement for each Congress.—Such committee may direct that the printing and distribution of any supplement to the Code of Laws of the United States or to the Code of the District of Columbia be dispensed with entirely, except that there shall be printed and distributed for each Congress at least one supplement to each such code, containing the legislation of such Congress.

"Preparation and publication of codes and supplements

"SEC. 202. There shall be prepared and published under the supervision of the Committee on Revision of the Laws of the House of Representatives—

"(a) Cumulative Supplements to Code of Laws of United States for each session of Congress.—A supplement for each session of the Congress to the then current edition of the Code of Laws of the United States, cumulatively embracing the legislation of the then current supplement and correcting errors in such edition and supplement;

"(b) Cumulative Supplement to District of Columbia Code for each session of Congress.—A supplement for each session of the Congress to the then current edition of the Code of the District of Columbia, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(c) New editions of Codes and Supplements.—New editions of the Code of Laws of the United States and of the Code of the District of Columbia, correcting errors and incorporating the then current supplement. In the case of each code new editions shall not be published oftener than once in each 5 years. Copies of each such edition shall be distributed in the same manner as provided in the case of supplements to the code of which it is a new edition. Supplements published after any new edition shall not contain the legislation of supplements published before such new edition.

"District of Columbia Code; preparation and publication; cumulative supplements

"SEC. 203. The Committee on Revision of the Laws of the House of Representatives is authorized to print bills to codify, revise, and reenact the general and permanent laws relating to the District of Columbia and cumulative supplements thereto, similar in style, respectively, to the Code of Laws of the United States, and supplements thereto, and to so continue until final enactment thereof in both Houses of the Congress of the United States.

"Codes and supplements as establishing prima facie the laws of United States and District of Columbia; citation of codes and supplements

"SEC. 204. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

"(a) Code of Laws of United States; effect as prima facie the law.—The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included

"(b) District of Columbia Code; effect as prima facie the law.—The matter set forth in the edition of the Code of the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

"(c) District of Columbia Code; citation.—The Code of the District of Columbia may be cited as 'D. C. Code.'

"(d) Supplements to Codes; citation.—Supplements to the Code of Laws of the United States and to the Code of the District of Columbia may be cited, respectively, as 'U. S. C., Sup. ', and 'D. C. Code, Sup. ', the blank in each case being filled with Roman figures denoting the number of the supplement.

"(e) New edition of Codes; citation.—New editions of each of such codes may be cited, respectively, as 'U. S. C., ed.', and 'D. C. Code, ed.', the blank in each case being filled with figures denoting the last year the legislation of which is included in whole or in part.

"Codes and supplement; where printed; form and style; ancillaries

"SEC. 205. The publications provided for in sections 202, 203 of this title shall be printed at the Government Printing Office and shall be in such form and style and with such ancillaries as may be prescribed by the Committee on Revision of the Laws of the House of Representatives. The Librarian of Congress is directed to cooperate with such committee in the preparation of such ancillaries. Such publications shall be furnished with such thumb insets and other devices to distinguish parts, with such facilities for the insertion of additional matter, and with such explanatory and advertising slips, and shall be printed on such paper and bound in such material as may be prescribed by such committee.

"Bills and resolutions of Committee on Revision of Laws of House of Representatives; form and style; ancillaries; curtailment of copies

"SEC. 206. All bills and resolutions referred to or reported by the Committee on Revision of the Laws of the House of Representatives shall be printed in such form and style, and with such ancillaries, as such committee may prescribe as being economical and suitable, to so continue until final enactment thereof in both Houses of Congress; and such committee may also curtail the number of copies of such bills to be printed in the various parliamentary stages in the House of Representatives.

"Copies of acts and resolutions in slip form; additional number printed for Committee on Revision of Laws of House of Representatives

"SEC. 207. The Public Printer is directed to print, in addition to the number provided by existing law, and, as soon as printed, to distribute in such manner as the Committee on Revision of the Laws of the House of Representatives shall determine, 20 copies in slip form of each public act and joint resolution.

"Delegation of function of Committee on Revision of the Laws to other agencies; printing, and so forth, under direction of Joint Committee on Printing

"SEC. 208. The functions vested by sections 201, 202, 204–207 of this title in the Committee on Revision of the Laws of the House of Representatives may from time to time be vested in such other agency as the Congress may by concurrent resolution provide: *Provided*, That the printing, bindng, and distribution of the volumes and publications enumerated in sections 202, 203 of this title shall be done under the direction of the Joint Committee on Printing.

"Copies of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; conclusive evidence of original

"SEC. 209. Copies of the Code of Laws relating to the District of Columbia and copies of the supplements provided for by sections 202, 203 of this title printed at the Government Printing Office and bearing its imprint, shall be conclusive evidence of the original of such code and supplements in the custody of the Secretary of State.

"Distribution of supplements to Code of Laws of United States and of District of Columbia Code and supplements; slip and pamphlet copies

"SEC. 210. Copies of the Code of Laws relating to the District of Columbia, and of the supplements provided for by sections 202, 203 of this title shall be distributed by the Superintendent of Documents in the same manner as bound volumes of the Statutes at Large: *Provided*, That no slip or pamphlet copies of the Code of Laws relating to the District of Columbia, and of the supplements provided for by sections 202, 203 of this title need be printed or distributed.

"Copies to Members of Congress

"SEC. 211. In addition to quotas provided for by section 210 of this title there shall be printed, published, and distributed of the Code of Laws relating to the District of Columbia with tables, index, and other ancillaries, suitably bound and with thumb inserts and other convenient devices to distinguish the parts, and of the supplements to both codes as provided for by sections 202, 203 of this title, 10 copies of each for each Member of the Senate and House of Representatives of the Congress in which the original authorized publication is made, for his use and distribution, and in addition for the Committee on Revision of the Laws of the House of Representatives and the Committee on the Judiciary of the Senate a number of bound copies of each equal to 10 times the number of members of such committees, and 1 bound copy of each for the use of each committee of the Senate and House of Representatives.

"Additional distribution at each new Congress

"SEC. 212. In addition the Superintendent of Documents shall, at the beginning of the first session of each Congress, supply to each Senator and Representative in such Congress, who may in writing apply for the same, one copy each of the Code of Laws of the United States, the Code of Laws relating to the District of Columbia, and the latest supplement to each code: *Provided*, That such applicant shall certify in his written application for the same that the volume or volumes for which he applies is intended for his personal use exclusively: *And provided further*, That no Senator or Representative during his term of service shall receive under this section more than one copy each of the volumes enumerated herein.

"Appropriation for preparing and editing supplements

"SEC. 213. For preparation and editing an annual appropriation of $6,500 is authorized to carry out the purposes of sections 202 and 203 of this title."

SEC. 2. The sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this act are hereby repealed, insofar as such provisions appeared in title 1, United States Code, 1940 edition, as shown by the appended table: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

Statutes at Large or Revised Statutes

	Title 1, United States Code, 1940 ed., section
R. S., sec. 1	1
R. S., sec. 2	2
R. S., sec. 3	3
R. S., sec. 4	4
R. S., sec. 5	5
Act June 11, 1940, ch. 325, sec. 1, 54 Stat. 305	6
R. S., sec. 7	21
R. S., sec. 8	22
R. S., sec. 9	23
R. S., sec. 10	24
R. S., sec. 11	25
Resolution Nov. 1, 1893, 28 Stat., Appendix 5; act Mar. 2, 1895, ch. 177, sec. 1, 28 Stat. 769	26
Act Mar. 6, 1920, ch. 94, sec. 1, 41 Stat. 520	27
R. S., sec. 12	28
R. S., sec. 13	29
R. S., sec. 5599	29a
Act Mar 3, 1933, ch. 202, sec. 3, 47 Stat. 1431	29b
Act Jan. 12, 1895, ch. 23, sec. 73, 28 Stat. 615; June 20, 1938, ch. 630, sec. 9, 49 Stat. 1551; June 16, 1938, ch. 477, sec. 1, 52 Stat. 760	30
R. S., sec. 908	30a
R. S., sec. 6	31
Resolution Mar. 2, 1929, ch. 586, sec. 1, 45 Stat. 1540	51a
Act May 29, 1928, ch. 910, sec. 2, 45 Stat. 1007; resolution Mar 2, 1929, ch. 586, sec. 2, 45 Stat. 1541	52
Act May 29, 1928, ch. 910, sec. 3, 45 Stat. 1007	53
Act May 29, 1928, ch. 910, sec. 4, 45 Stat. 1007; resolution Mar. 2, 1929, ch. 586, sec. 3, 45 Stat. 1541	54
Resolution Mar. 2, 1929, ch. 586, sec. 4, 45 Stat. 1542; act Mar. 4, 1933, ch. 282, sec. 1, 47 Stat. 1603; June 13, 1934, ch. 483, secs. 1, 2, 48 Stat. 948	54a
Resolution Mar. 2, 1929, ch. 586, sec. 5, 45 Stat. 1542; act Mar. 4, 1933, ch. 282, sec. 1, 47 Stat. 1603; June 13, 1934, ch. 483, secs. 1, 2, 48 Stat. 948	54b
Resolution Mar. 2, 1929, ch. 586, sec. 6, 45 Stat. 1542	54c
Resolution Mar. 2, 1929, ch. 586, sec. 7, 45 Stat. 1542	54d
Act May 29, 1928, ch. 910, sec. 5, 45 Stat. 1007	55
Act May 29, 1928, ch. 910, sec. 6, 45 Stat. 1007	56
Act May 29, 1928, ch. 910, sec. 7, 45 Stat. 1008	57
Act May 29, 1928, ch. 910, sec. 8, 45 Stat. 1008	58

	Title 1, United States Code, 1940 ed., section
Act May 29, 1928, ch. 910, sec. 10, 45 Stat. 1008	59
Act Mar. 3, 1933, ch. 202, sec. 2, 47 Stat. 1431	60

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERFORMANCE OF ANNUAL LABOR ON CERTAIN MINING CLAIMS

The Clerk called the next bill, H. R. 6295, to suspend the requirements for the performance of annual labor on certain mining claims.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING OFFICERS AND ENLISTED MEN OF THE ARMED FORCES OF THE UNITED STATES TO ACCEPT DECORATIONS, ETC., TENDERED THEM BY GOVERNMENTS OF COBELLIGERENT NATIONS OR THE OTHER AMERICAN REPUBLICS

The Clerk called the next bill, S. 2404, to authorize officers and enlisted men of the armed forces of the United States to accept decorations, orders, medals, and emblems tendered them by governments of cobelligerent nations or the other American republics.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, this bill not only authorizes members of our armed forces to accept foreign decorations but, in addition, establishes a new medal or award under four or five different categories or phases. Later in the call of the calendar there will be considered a bill from the Committee on Naval Affairs creating medals and awards for meritorious and distinctive national service.

I wonder if it may not be feasible for representatives of the two committees, both of which in their individual capacities have no doubt studied these bills, to confer to see if there may not be some uniformity in creating these awards, or at least to see that there is no divergence or inconsistencies between the two systems.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Texas.

Mr. THOMASON. Personally, I would have no objection to that. I may say, however, that this bill came to the House Committee on Military Affairs from the War Department with a request for early passage. The House Committee on Military Affairs unanimously reported the bill after a full and fair hearing. Only this morning two officers of the War Department, who were trying not only to pay proper tribute and honor to those who have done something outstanding but also to encourage friendly relations between us and all our Allies, told us that they think this would have a great moral and psychological value. Therefore, I hope the gentleman from New Jersey will not object to the consideration of the bill at this time. Then, if the bill for the Navy comes up later, perhaps we can pass it so that the two bills will at least be consistent with each other. This is meritorious legislation that deserves immediate and favorable action.

Mr. COLE of New York. The bill from the Committee on Naval Affairs is coming up today. There is no question but that this is an important matter, important to the successful prosecution of the war, but I do feel that we should proceed rather cautiously not only in creating these awards for valor but in making the awards themselves, so that the recipients of them will feel that they have been given some real recognition for their services and that after they receive it, it will not be cheapened by some careless distribution of it.

Mr. THOMASON. Certainly, it should not be cheapened by giving a medal to everyone who comes along and that is not going to happen. However, as I understood from the representatives of the War Department only this morning, there are some very outstanding cases in Bataan, Java, Panama, South America, and other places, in which the Army would like to confer this honor without long delay, not only so as to reward bravery but set an inspiring example to others.

Mr. COLE of New York. Would not the gentleman suggest to his chairman that he designate two or three members of his committee, and request the chairman of the Committee on Naval Affairs to do likewise, and then in the interval of the next 2 weeks they can sit down and go over this entire matter of making these awards?

Mr. THOMASON. I shall be very glad to do so. I am agreeing, however, for I know the gentleman from New Jersey is going to object, but I do insist upon early action.

Mr. KEAN. Mr. Speaker, I renew my request that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF A DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The Clerk called the next bill, H. R. 6702, to provide for the appointment of a district judge for the northern district of California in order to fill a vacancy in the office of an additional district judge heretofore authorized for such district.

Mr. KEAN. Mr. Speaker, this bill was passed over without prejudice 2 weeks ago at the request of the gentleman from Michigan [Mr. WOLCOTT], who is unavoidably absent today, so I make the same request at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

VOLUNTARY ADJUSTMENT OF OBLIGATIONS OF RAILROADS

The Clerk called the next bill, H. R. 7121, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PRIEST. Mr. Speaker, reserving the right to object, the gentleman from Nebraska [Mr. MCLAUGHLIN], the author of the bill, is on the floor. He is chairman of the Committee on Reorganization and Bankruptcy of the Judiciary Committee and reported the bill to the House. May I ask the gentleman to explain this bill briefly?

Mr. MCLAUGHLIN. Mr. Speaker, the bill H. R. 7121, reenacts chapter 15 of the Bankruptcy Act, which permits the voluntary adjustment of railroad obligations. It comes to the House with the unanimous approval of the Committee on the Judiciary. Hearings were held and numerous witnesses appeared and testified, and other witnesses filed written statements and briefs. No one appeared in opposition to the measure. However, several amendments were suggested by those who testified and these amendments were carefully considered by the Subcommittee on Bankruptcy and Reorganization and by the full Judiciary Committee.

This bill has to do with railroads which do not need the complete reorganization afforded by chapter 77 of the Bankruptcy Act. It was originally enacted in 1939 to enable railroads which were in need of minor adjustment of their financial structures to bring about such changes by voluntary agreement. It has worked excellently in the two outstanding cases in which resort has been had to it, namely, the Baltimore & Ohio Railroad case and the Lehigh Valley Railroad case. These reorganizations have been completed and everyone concerned is thoroughly satisfied with them.

Witnesses who have appeared at the hearings on this bill—H. R. 7121—have pointed out the beneficial results accomplished in those two cases and in other cases in which reorganizations were effected through chapter XV proceedings.

Since the philosophy of this legislation was approved by the House in the enactment of chapter XV of the Bankruptcy Act in 1939 it would appear that this brief, simple, and nontechnical statement should suffice at this time to meet the request of the gentleman from Tennessee. I shall, with the consent of the House, insert in the RECORD the report of the Committee on the Judiciary on the bill. There are a number of changes in the bill as compared with chapter XV as it originally existed. One of the outstanding changes is that H. R. 7121 would make chapter XV permanent legislation whereas the original chapter XV was

temporary, expiring 1 year after its effective date. H. R. 7121 would allow the Interstate Commerce Commission to propose a modified plan. This was not permitted under the original chapter XV. Another change would permit noncarrier corporations obligated on securities of carriers to file petitions and have the same benefits which carriers had under chapter XV. Noncarrier corporations which control two or more carriers have been brought within the jurisdiction of the Interstate Commerce Commission by act of Congress. It was felt by the committee that it is proper that this amendment should be made. Another amendment would allow a single judge of the three-judge court, with certain limitations, to conduct all hearings and enter all orders, subject to review on application of any party in interest or on the court's own motion. This amendment is in line with similar amendments, enacted in the present session of Congress, affecting three-judge-court procedure in other types of cases.

Another change allows reasonable expenses, including reasonable attorneys' fees, where modification of the proposal is adopted and found by the court to be beneficial to the petitioner or any class of creditors or to be in the public interest. The latter amendment resulted from a criticism made by one of the witnesses which appealed to the members of the committee who attended the hearings and to the full committee. In the Peoria & Eastern Railway case a number of modifications to the plan was suggested by persons appearing on behalf of holders of obligations of the petitioner. Some of these modifications were adopted, but the court in entering its final order observed that while the modifications were beneficial and while the proposers were to be complimented for the beneficial work they had done, nevertheless, because of the absence of a specific grant of power in chapter XV, the court was powerless to award any expenses, including reasonable attorneys' fees to those who had proposed the modifications. The committee felt that where proposals are made to the plans and such proposals are found to be beneficial and a finding is definitely made by the court to that effect, it is only fair and proper that reasonable expenses be allowed to those who proposed the changes and such expenses should include reasonable attorneys' fees. As I have stated, such reasonable expenses, including such reasonable attorneys' fees are only permitted under the bill (H. R. 7121) in the event the proposals are adopted and are found to be of benefit to the petitioner or any class of creditors or to be in the public interest.

Mr. MICHENER. Mr. Speaker, reserving the right to object, may I say that the gentleman from Nebraska [Mr. MCLAUGHLIN] has made a very laymanlike explanation of a very technical bill. I think we all generally appreciate what it is all about. It is technical, it is far reaching, and it did receive every consideration before the subcommittee and the committee, and I hope there will be no objection.

Mr. MCLAUGHLIN. I thank the gentleman from Michigan, a member of the subcommittee, who has always contributed very materially to the work of the subcommittee and who did so in this instance.

Mr. SPRINGER. Reserving the right to object, Mr. Speaker, I want to compliment the distinguished gentleman from Nebraska for the splendid statement made with respect to this bill. I may say for the benefit of the Members of the House that long hearings were had and this proposed legislation was given every consideration and was reported out of the Judiciary Committee unanimously for passage. I hope the bill will be passed.

Mr. MCLAUGHLIN. I thank the gentleman from Indiana for his observation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States", as amended, is hereby further amended by inserting after chapter XIV the following:

"CHAPTER XV—RAILROAD ADJUSTMENTS

"ARTICLE I—JURISDICTION

"SEC. 700. In addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction, as provided in this chapter, for postponements, or modifications of debt, interest, rent, and maturities or for modifications of the securities or capital structures of railroads.

"ARTICLE II—DEFINITIONS

"SEC. 705. The following terms, as used in this chapter, unless a different meaning is plainly required by the context, shall be construed as follows:

"(1) 'Petitioner' means any carrier as defined in section 20a of the Interstate Commerce Act, excluding any corporation in equity receivership or in proceedings for reorganization under section 77 of this act, petitioning for a plan of adjustment, as hereinafter defined, or any corporation filing a petition under the provisions of section 711 of this chapter.

"(2) 'Claims' includes debts whether liquidated or unliquidated, certificates of deposits of securities (other than stock and option warrants to subscribe to stock), including demands and obligations of whatever character made, assumed, or guaranteed by the petitioner.

"(3) 'Debt' shall be considered to include all claims held or owned by 'creditors' as hereinafter defined.

"(4) 'Creditors' shall include all holders of claims, demands, and obligations of whatever character against the petitioner or its property, whether or not such claims would otherwise constitute provable claims in bankruptcy, including the holders of claims made, assumed, or guaranteed by the petitioner.

"(5) 'Securities' shall include those defined in section 20a of the Interstate Commerce Act, as amended, also securities in respect of which any carrier, as defined in section 20a, has assumed any obligation or liability as lessor, lessee, guarantor, endorser, surety, or otherwise, and also certificates of deposit and all other evidences of ownership of or interest in securities.

"(6) 'Commission' refers to the Interstate Commerce Commission.

"(7) 'Adjustment' shall include postponements or modifications of debt, interest, rent, and maturities and modifications of the securities or capital structures.

"SEC. 706. No creditor shall be deemed to be 'affected' by any plan unless such plan proposes a modification of the evidence of debt or other instrument defining the rights of such creditor, or a modification of the security, if any, for the claim of such creditor.

"ARTICLE III—PETITION AND POWERS OF COURT

"SEC. 710. Any railroad corporation not in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act at the time of filing its petition hereunder, and which has not been in equity receivership or in process of reorganization under said section 77 within 10 years prior to the filing of such petition, which shall have—

"(1) prepared a plan of adjustment and secured assurances satisfactory to the Commission of the acceptance of such plan from creditors holding at least 25 percent of the aggregate amount of all claims affected by said plan of adjustment (including all such affected claims against said corporation, its parents, and subsidiaries); and

"(2) thereafter obtained an order from the Commission (but not of a division thereof) under section 20a of the Interstate Commerce Act authorizing the issuance or modification of securities (other than securities held by, or to be issued to, Reconstruction Finance Corporation) as proposed by such plan of adjustment as filed, or as modified by, or with the approval of, the Commission, such order of the Commission to include also specific findings—

"(a) that such corporation is not in need of financial reorganization of the character provided for under section 77 of this act;

"(b) that such corporation's inability to meet its debts matured or about to mature is reasonably expected to be temporary only; and

"(c) that such plan of adjustment, after due consideration of the probable prospective earnings of the property in the light of its earnings experience and of such changes as may reasonably be expected—

"(i) is in the public interest and in the best interests of each class of creditors and stockholders;

"(ii) is feasible, financially advisable, and not likely to be followed by the insolvency of said corporation, or by need of financial reorganization or adjustment;

"(iii) does not provide for fixed charges (of whatsoever nature, including fixed charges on debt, amortization of discount on debt, and rent for leased roads), in an amount in excess of what will be adequately covered by the probable earnings available for the payment thereof;

"(iv) leaves adequate means for such future financing as may be requisite;

"(v) is consistent with adequate maintenance of the property; and

"(vi) is consistent with the proper performance by such railroad corporation of service to the public as a common carrier, will not impair its ability to perform such service:

"Provided, That in making the foregoing specific findings the Commission shall scrutinize the facts independently of the extent of acceptances of such plan and of any lack of opposition thereto: *Provided further*, That an order of the Commission (or of a Division thereof) under section 20a of the Interstate Commerce Act, made prior to the effective date of this chapter, authorizing the issuance or modification of securities as proposed by a plan of adjustment (other than securities held by, or to be issued to, Reconstruction Finance Corporation), shall be effective for the purpose of this subparagraph (2) of the first sentence of section 710, notwithstanding failure to include therein the foregoing specific findings, if such order did include the specific findings that such proposed issuance or modification of securities is compatible with the public interest, is consistent with the proper performance by the railroad

corporation of service to the public as a common carrier, and will not impair its ability to perform such service; and

"(3) secured assents to such plan of adjustment or such plan of adjustment as modified by, or with approval of, the Commission, by creditors holding more than two-thirds of the aggregate amount of the claims affected by said plan, which two-thirds shall include at least a majority of the aggregate amount of the claims of each affected class,

may file in the United States district court in whose territorial jurisdiction such railroad corporation has had its principal executive or principal operating office during the preceding 6 months or a greater period thereof, its petition averring that it is unable to meet its debts, matured or about to mature, and desires to carry out the plan of adjustment.

"A copy of the order obtained from the Commission, as above provided, shall be filed with the petition and made a part thereof.

"SEC. 711. Any corporation which has complied with subparagraphs (1), (2), and (3) of the first sentence of section 710, and in which corporation the majority of the capital stock having power to vote for the election of directors is owned directly, or indirectly through an intervening medium by any railroad corporation which has filed a petition hereunder, or any corporation which is a lessor of the petitioning corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 710, or any corporation which is liable or obligated, contingently or otherwise, on securities issued by or on which the obligation or liability has been assumed by, the petitioning carrier corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 710, may file its petition in the same court in which the petition first aforesaid shall have been filed, and such petitions shall be heard and disposed of in a single proceeding. Any corporation liable or obligated, contingently or otherwise, upon the securities of a carrier shall, with respect to such securities and any securities issued in lieu thereof and for the purposes of this chapter, be deemed a carrier within the intent and meaning of section 20a of the Interstate Commerce Act, as amended, and if such corporation is a holding company, controlling two or more carriers, it shall, to the extent provided by the Commission in its order, be subject to such of the provisions of the Interstate Commerce Act as, under the provisions of paragraph (3) of section 5 thereof, are applicable to a person, not a carrier, authorized by an order entered under paragraph (2) of that section to acquire control of any carrier or two or more carriers.

"SEC. 712. The petition shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in addition to the fees required to be collected by the clerk under other sections of this act or any other act.

"SEC. 713. Immediately following the filing of the petition, there shall be convened a special court of three judges in the manner provided by section 266, as amended, of the Judicial Code, and thereafter all proceedings relative to such plan or any modification thereof shall be conducted before such court. Such three-judge court shall be vested with and shall exercise all the powers of a district court sitting in equity and all the powers as a court of bankruptcy necessary to carry out the intent and provisions of this chapter, including the classification of claims at such time and in such manner as the court may direct: *Provided, however*, That any one of the three judges constituting the special court who may be designated by the special court, may perform all functions, conduct all proceedings, and enter all orders, except that such single judge shall not hold a hearing for approval of a plan as provided in section 720 or for confirmation of a plan as provided in section 725 or enter the final decree. Any act of a single judge hereby permitted shall be subject to review by the special court on application by any party in interest filed within 30 days after said act or by order of such court on its own motion made within such period of 30 days.

"SEC. 714. The special court, after hearing, promptly shall enter an order approving the petition as properly filed under this chapter if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing such petition if not so satisfied.

"SEC. 715. If the petition is approved by the special court, the said court, during the pendency of the proceedings under this chapter, shall have exclusive jurisdiction of the petitioner and of its property wherever located to the extent which may be necessary to protect the same against any action which might be inconsistent with said plan of adjustment or might interfere with the effective execution of said plan if approved by the court, or otherwise inconsistent with or contrary to the purposes and provisions of this chapter: *Provided, however*, That nothing herein contained shall be construed to authorize the court to appoint any trustee or receiver for said properties or any part thereof, or otherwise take possession of such properties or control the operation or administration thereof.

"ARTICLE IV—HEARINGS

"SEC. 720. The special court shall fix a date for a hearing to be held promptly after the filing of the petition and notice of such hearing or hearings shall be given to all persons in interest in such reasonable manner as the court shall direct. In such proceeding the court may allow such interventions of persons in interest as it may deem just and proper, but any person in interest shall have the right to present evidence and be heard thereon, in person or by attorney, with or without intervention. Any person or persons in interest who shall be permitted to intervene or who shall present evidence and be heard thereon, in person or by attorney, with or without intervention, proposing any modification of the plan of adjustment, which modification shall be adopted and which shall be found by the court to be of benefit to the petitioner or to any class of creditors of petitioner or to be in the public interest, may be allowed actual and reasonable expenses (including reasonable attorneys' fees), which expenses may be entered as a part of the decree approving and confirming the plan and the adjustment provided thereby pursuant to the provisions of section 725 of this chapter.

"SEC. 721. After such hearing, the special court may approve the plan as filed or propose to modify such plan and as hereinafter provided approve the same as so modified. If the court shall propose to modify the plan, then: (a) if such modification substantially alters the basis for the specific findings included in the order made by the Commission under section 20a of the Interstate Commerce Act, the plan as so proposed to be modified shall be resubmitted to the Commission and shall not be finally approved by the court until the Commission (but not a division thereof) has authorized the issuance or modification of securities as proposed by the plan as so modified (other than securities held by, or to be issued to, Reconstruction Finance Corporation) making the findings required by clause (c) of subparagraph (2) of the first sentence of section 710, even in a case where the original order of the Commission under said section 20a was made prior to the effective date of this chapter; and (b) if such modification substantially or adversely affects the interests of any class or classes of creditors, such plan shall be resubmitted, in such manner as the court may direct, to those creditors so affected by such modification and shall not be finally approved until after (1) a hearing on such modification, to be held within such reasonable time as the court may fix, at which hearing any person in interest may object to such modification, and (2) a reasonable opportunity (within a period to be fixed by the court), following such hearing, within which such affected creditors who have assented to the plan may withdraw or cancel their assents to the plan, and failure by any such creditor to withdraw or cancel an assent within such period shall constitute an acceptance by such assenting creditor of the plan as so modified. After such authorization and finding by the Commission, where required hereby, and after such hearing and opportunity to withdraw or cancel, where required hereby, the court may make the proposed modification, and as provided in section 725 finally approve and confirm the plan as so modified.

"SEC. 722. If the United States or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States, is a creditor or stockholder, the Secretary of the Treasury is hereby authorized to act in respect of the interests or claims of the United States or of such agency or other corporation. If in any proceeding under this chapter the United States is a creditor on claims for taxes or customs duties (whether or not the United States has any other interest in or claim against the debtor as creditor or stockholder), no plan which does not provide for the payment thereof shall be approved or confirmed by the court except upon the acceptance of a lesser amount or of a postponement by the Secretary of the Treasury certified to the court: *Provided*, That if the Secretary of the Treasury shall fail to accept or reject such lesser amount or such postponement for more than 60 days after receipt of written notice so to do from the court, accompanied by a certified copy of the plan, the consent of the United States insofar as its claims for taxes or customs duties are concerned shall be conclusively presumed.

"ARTICLE V—PROCEEDINGS SUBSEQUENT TO APPROVAL OF PETITION

"SEC. 725. If the special court shall find—

"(1) that, at the time of the filing of said petition as provided in article III hereof, the proposed plan of adjustment had been assented to by not less than two-thirds of the aggregate amount of all claims of the petitioner affected by such plan, including at least a majority of the aggregate amount of claims of each such class;

"(2) that the plan of adjustment as submitted or as modified by the court has been accepted as submitted or, if modified, then as modified by or on behalf of creditors affected by such plan holding more than three-fourths of the aggregate amount of the claims affected by said plan, including at least three-fifths of the aggregate amount of the claims of each affected class;

"(3) that the plan meets the requirements of clause (c), and the petitioner meets the requirements of clauses (a) and (b) of subparagraph (2) of the first sentence of section 710, and that the plan is fair and equitable as an adjustment and as such will: (a) afford due recognition to the rights of each class of creditors and stockholders and fair consideration to each class adversely affected and (b) will conform to the law of the land regarding the participation of the various classes of creditors and stockholders: *Provided*, That in making the findings required by this clause (3), the court shall scrutinize the facts independently of the extent of acceptance of such plan, and of any lack of opposition thereto, and of the fact that the Commission, under section 20a of the Interstate Commerce Act, has authorized the issuance

or modification of securities as proposed by such plan, and of the fact that the Commission has made such or similar findings;

"(4) that all corporate action required to authorize the issuance or modification of securities pursuant to such plan shall have been duly taken either before or since the enactment of this chapter;

"(5) that the petitioner has not, in connection with said plan or the effectuation thereof, done any act or failed to perform any duty which act or failure would be a bar to the discharge of a bankrupt, and that the plan and the acceptance thereof are in good faith and have not been made or procured by any means, promises, or acts forbidden by this act;

"(6) that, after hearings for the purpose, all amounts or considerations, directly or indirectly paid or to be paid by or for the petitioner for expenses, fees, reimbursement, or compensation of any character whatsoever incurred in connection with the proceeding and plan, or preliminary thereto or in aid thereof, together with all the facts and circumstances relating to the incurring thereof, have been fully disclosed to the court so far as such amounts or considerations can be ascertained at the time of such hearings, that all such amounts or considerations are fair and reasonable, and to the extent that any such amounts or considerations are not then ascertainable, the same are to be so disclosed to the court when ascertained, and are to be subject to approval by the special court as fair and reasonable, and except with such approval no amounts or considerations covered by this clause (6) shall be paid; and—

"(7) that the provisions of sections 722, 736, and 737 of this chapter have been complied with.

"Said court shall file an opinion setting forth its conclusions and the reasons therefor and shall enter a decree approving and confirming such plan and the adjustment provided thereby, which decree shall be binding upon the petitioner and upon all creditors and security holders of the petitioner; and thereafter the petitioner shall have full power and authority to and shall put into effect and carry out the plan and the orders of the special court relative thereto and issue the securities provided by the plan without further reference to or authority from the Commission or any other authority, State or Federal, except where required by any law relating to the Reconstruction Finance Corporation, and the rights of all creditors and security holders with respect to claims and securities affected by the plan shall be those provided by the plan as so approved and confirmed: *Provided, however,* That the title of any owner, whether as trustee or otherwise, to rolling-stock equipment leased or conditionally sold to the petitioner, and any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sale contract, shall not be affected by the provisions of this chapter.

"No plan shall be approved under this chapter unless the special court finds that with respect to the continuation of, or any change in, the voting rights in the petitioner, control of the petitioner, and the identity of, and the power and manner of selection of the persons who are to be directors, officers, or voting trustees, if any, upon the consummation of the plan and their respective successors, the plan makes full disclosure, is adequate, equitable, in the best interests of creditors and stockholders of each class, and consistent with public policy.

"SEC. 726. After the special court shall have approved as properly filed a petition pursuant to article III hereof, the special court, from time to time during the pendency of the proceedings hereunder, may enjoin the institution of, or stay, for a reasonable time, any action or proceeding to enforce any right against the petitioner or its property based upon claims affected by the proposed plan of adjustment in any court, State or Federal, whether for the enforcement of any such claim or for the appointment of receivers in equity or of the institution or prosecution of a proceeding under section 77 of the Bankruptcy Act or otherwise: *Provided, however,* That no such stay shall affect any proceeding based on or to enforce any claim which would be required to be paid if the plan of adjustment proposed by the petitioner were then in effect.

"SEC. 727. Unless the plan of adjustment as submitted or as modified shall have been confirmed by the special court within 1 year from the date of filing the petition, the proceedings shall be dismissed unless, for good cause shown, on motion of any party in interest, the court, if satisfied that confirmation of a plan is in immediate prospect, shall determine otherwise.

"SEC. 728. Without prejudice to existing rights of all creditors, including those affected by the plan, and as a condition to the approval of any plan by the special court, the petitioner, from and after the filing of the petition with the court and until the making of a final order by the special court approving a plan or dismissing the petition, shall continue to make or tender payments to all creditors affected by the plan of sums currently payable to such creditors equal to the amounts proposed to be paid to such creditors under the plan: *Provided,* That the making of such payments shall not constitute a preference within the meaning of the Bankruptcy Act, nor shall acceptance of such payments constitute an acceptance of a plan. If from and after the filing of the petition with the special court, there shall be any failure to make or tender such payments, the special court, unless there is good cause shown for the failure, shall dismiss the proceedings. In finally approving any plan, the court may make or require to be made such adjustments with respect to said payments or any of them as may be necessary to make the same conform to the provisions of said plan as finally approved.

"SEC. 729. In providing for any such payments the petitioner may require any bond or other security, including interest coupons affected by such payments to be presented to or deposited with a paying agent or depositary named by the petitioner for appropriate stamping to show the amounts of such payment.

"ARTICLE VI—TAX PROVISIONS

"SEC. 735. The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of adjustment confirmed under the provisions of this chapter.

"SEC. 736. In addition to the notices elsewhere expressly provided, the clerk of the court in which any proceedings under this chapter are pending shall forthwith transmit to the Secretary of the Treasury copies of—

"(1) every petition filed under this chapter;

"(2) the orders approving or dismissing petitions;

"(3) the orders approving plans as filed or as modified, together with copies of such plans as approved;

"(4) the decrees approving and confirming plans and the adjustments provided thereby, together with copies of such plans as approved;

"(5) the injunctions or other orders made under section 726 of this chapter;

"(6) the orders dismissing proceedings under this chapter; and

"(7) such other papers filed in the proceedings as the Secretary of the Treasury may request or which the court may direct to be transmitted to him.

"SEC. 737. Any order fixing the time for confirming a plan which affects claims or stock of the United States shall include a notice of not less than 30 days to the Secretary of the Treasury.

"SEC. 738. The special court shall have power to determine the amount and legality of claims of the United States for taxes or customs duties, and to order payment thereof; and the order of the special court (provided for in sec. 714) approving the petition shall have the effect of an adjudication of bankruptcy of the petitioner for the purposes of section 274 of the Internal Revenue Code and the corresponding provisions of prior and subsequent revenue acts. The running of the htatute of limitations on the assessment or collection of any internal-revenue tax shall be suspended while a proceeding under this chapter is pending and until it is finally dismissed.

"ARTICLE VII—INTERSTATE COMMERCE COMMISSION

"SEC. 740. If, in any application filed with the Commission, pursuant to section 20a of the Interstate Commerce Act for authority to issue or modify securities, the applicant shall allege that the purpose in making such application is to enable it to file a petition under the provisions of this chapter, the Commission shall take final action on such application as promptly as possible, and in any event within 120 days after the filing of such application, unless the Commission finds that a longer time, not exceeding 60 days, is needed in the public interest.

"ARTICLE VIII—FINAL DECREE AND REVIEW

"SEC. 745. Any final order or decree of the special court may be reviewed by the Supreme Court of the United States upon application for certiorari made by any person affected by the plan who deems himself aggrieved within 60 days after the entry of such order or decree, pursuant to the applicable provisions of the Judicial Code.

"SEC. 746. In the decree approving and confirming the plan the court may require such reports of the action taken by the petitioner thereunder in the execution of the plan as may be necessary to a final disposition of the cause, and in its final decree disposing of the cause the court shall retain jurisdiction in the district court to the extent necessary to protect and enforce the rights of the parties under said plan and the orders of the court thereon.

"ARTICLE IX—FILING RECORD WITH COMMISSION

"SEC. 750. The clerk of the court in which any proceedings under this chapter are pending shall forthwith transmit to the Interstate Commerce Commission copies of all pleadings, petitions, motions, applications, orders, judgments, decrees, and other papers in such proceedings filed with the court or entered therein, including copies of any transcripts of testimony, hearings, or other proceedings that may be transcribed and filed in such proceedings together with copies of all exhibits, except to the extent that the court finds that compliance with this section would be impracticable.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and to include therein the report of the Committee on the Judiciary on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The matter referred to follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 7121) to amend an act entitled "An act to establish a uni-

form system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, after consideration, report the same favorably to the House with the recommendation that the bill do pass.

This bill supersedes H. R. 6840 on which hearings were held, and embodies amendments adopted by the committee.

PURPOSE OF LEGISLATION

H. R. 7121 is substantially the same as the original chapter XV of the Bankruptcy Act which was enacted during the first session of the Seventy-sixth Congress and which expired July 31, 1940. Because of the time limitation of the original act very few railroads were able to take advantage of it. Experience has shown the relief afforded by the act to be most beneficial and it is now thought desirable to make the act a permanent part of the bankruptcy law in order that railroads now in need of such relief, as well as those which may need such relief in the future, may have the benefit of the act.

The purpose of the bill is to enable railroads which are not insolvent and which are fundamentally sound as transportation systems, but which are handicapped financially by maturing obligations or other temporary financial difficulties to enter into agreements with their creditors and security holders for the postponement or modification of obligations, and submit such agreements to the Interstate Commerce Commission and then to courts of bankruptcy for hearings and appropriate action by which such agreements are made effective without impairing the normal operations, employee relations, and the permanent stability of the railroads.

American railroads, generally speaking, may be divided into three groups:

1. Those clearly solvent and in a position to operate successfully.

2. Those clearly insolvent and needing complete reorganization as provided by section 77 of the bankruptcy act.

3. Those in temporary financial difficulties and requiring relief, but not the drastic overhauling of their capital structures provided for in section 77.

This bill, if enacted, will make available to railroads in the third group, their subsidiaries, and noncarrier corporations liable on the obligations of the debtor railroad the bankruptcy power contained in article I, chapter 8, clause 1 of the Constitution, which permits Congress to establish uniform laws on the subject of bankruptcies.

DIFFERENCES BETWEEN PRESENT BILL AND PRIOR ACT

The bill differs in few respects from the original chapter XV. H. R. 7121 provides, as its predecessor did not, that any corporation which is liable or obligated, contingently or otherwise, on securities issued by the petitioning carrier corporation may file a petition in the same court in which the petitioning carrier corporation filed its petition and be afforded the same relief with respect to the obligations of the petitioning railroad held by the noncarrier corporation as may be extended to the petitioning railroad corporation itself. In other words, H. R. 7121 extends the jurisdiction of the original chapter XV to a noncarrier corporation liable on securities of the petitioning carrier. The relief which thus may be afforded such noncarrier corporations would extend only to securities of the petitioning carrier corporation on which the noncarrier corporation is liable and would in no way affect other obligations of the noncarrier corporation. The hearings held on this bill demonstrated the desirability of such an extension of jurisdiction in order that the purpose of this proposed legislation might not be defeated in certain instances.

The courts have held that under the original act no allowances could be made by the court to intervenors for expenses incurred as a result of their intervention, regardless of the value of the services rendered by such intervenors. H. R. 7121 provides that the court may allow actual and reasonable expenses, including reasonable attorney's fees, to parties in interest proposing a modification to the plan in the event such modification shall be adopted and shall be found by the court to be beneficial to the petitioner or to any class of creditors or to be in the public interest. Your committee is of the opinion that the court should be authorized to grant reimbursement to such intervenors for reasonable expenses, including attorney's fees, incurred in the rendering of such services. The provision is drawn in such a manner, however, as to preclude frivolous intervention, allowances being permitted only in those cases where the proposed modification is adopted and found to be beneficial.

The original chapter XV contained a provision exempting from taxation the income deemed to have been realized by the petitioning railroad corporation by reason of the modification or cancelation of indebtedness in a proceeding. H. R. 7121 contains no such provision, it being eliminated for the reason that it is anticipated that a law will be enacted which will apply to this subject both as to proceedings under chapter XV and railroad reorganization proceedings under section 77. The Treasury Department has approved elimination of this provision.

EXPERIENCE UNDER PRIOR ACT AND DESIRABILITY OF PROPOSED LEGISLATION

The original chapter XV was in effect only 1 year. In that time only a very few railroads were able to take advantage of the act. The results achieved proved so favorable, as was shown by testimony given at the hearing, that your committee is of the opinion that the benefits of the act should be made available to other railroads in need of relief of the type provided by this measure. In addition it appears that no good purpose would be served in limiting the act as to time. H. R. 7121, therefore, proposes to make chapter XV a permanent part of the bankruptcy law. The original act was of tremendous benefit to the Baltimore & Ohio and Lehigh Valley Railroads and saved those roads from the costly and long-drawn-out procedure and expense involved in receivership or section 77 proceedings. This bill, it is thought, can render material aid to the national war program. The seriousness of the war in which our country is engaged and the vital role transportation is playing in the conduct of the war now makes it imperative that our transportation system be preserved and maintained in the most efficient state and that the carriers themselves be placed on a sound financial basis so as to enable them to meet the unusual demands which are being and will be imposed upon them. Receiverships usually involve a costly and long-drawn-out procedure. H. R. 7121, if enacted, will afford distressed railroads, not insolvent in the bankruptcy sense, an opportunity to make the necessary financial adjustments without being forced to go through receivership or section 77 proceedings.

EXPLANATION OF BILL AND GENERAL STATEMENT

The procedure provided by the bill is simple and direct. Stated briefly, any railroad desiring to effect an adjustment of certain of its obligations, as well as the modification or postponement of certain of its securities or its capital structure, prepares a proposal plan of adjustment and secures assurances of acceptance of the plan from creditors and security holders having at least 25 percent of the claims affected thereby. Whenever the minimum of 25 percent of the aggregate amount of the claims affected by the proposed plan of adjustment give such assurance, the railroad is authorized to submit the proposed plan to the Interstate Commerce Commission for examination in accordance with the requirements of section 20a of the Interstate Commerce Act. Should all of the requirements of said section 20a be met, the Commission is authorized to issue an order approving the issuance or modification of the securities involved in the plan.

Among the salient provisions of section 20a on which the Interstate Commerce Commission is required to make findings prior to the issuance of the order referred to are:

"Such proposed issuance or modification of securities is in the public interest, is consistent with the continuance by the railroad corporation of service to the public as a common carrier, and will not impair its ability to perform such service."

Thereafter, the railroad desiring to effect such proposed plan shall obtain assents thereto by its creditors holding "more than two-thirds of the aggregate amount of the claims affected by said plan, which two-thirds shall include at least a majority of the aggregate amount of the claims of each affected class." When such assents are secured, the railroad may file a petition in the United States district court having jurisdiction as provided in the bill, and a special court of three judges is convened to conduct the proceedings relative to such plan, hold hearings, and exercise jurisdiction over the petitioning railroad and its property, although the court does not appoint a receiver or trustee to undertake to control the operation of the carrier.

If the three-judge court, after hearings, shall be satisfied that the proposed plan of adjustment has been assented to by the requisite percentages aforesaid, and "that the plan is fair and equitable, is in the public interest, affords due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly in favor of any class of creditors or stockholders, and will conform to the requirements of the law of the land regarding the participation of the various classes of creditors and stockholders," the court shall file an opinion setting forth its conclusions and the reasons therefor and shall enter a decree approving and confirming such plan, provided the plan as submitted to or as modified by the court, has been accepted by creditors holding not less than three-fourths of the aggregate amount of the claims affected by the plan, including at least 60 percent of the aggregate amount of the claims of each affected class.

Upon confirmation of the plan, the decree of the three-judge court is binding on the petitioner and on all the creditors and security holders of the railroad. While the effect of the decree of the court is to establish the plan of adjustment over the possible objection of a dissenting minority of less than 25 percent of all of the creditors and security holders affected thereby, care has been taken that the rights of minority interests shall be properly safeguarded and that due process of law shall be exercised.

In order that proceedings brought under the provisions of the chapter may be conducted with the utmost expedition, H. R. 7121 contains a provision whereby the special three-judge court may designate a single judge of the three-judge court to act in all matters except on the approval or confirmation of a plan or on a final decree. Any act of such single judge shall be subject to review by the special three-judge court on application by any party in interest or by order of such court or its own motion.

The Interstate Commerce Commission is required to act within 120 days on any application filed with the Commission pursuant to section 20a of the Interstate Commerce Act, for authority to issue or modify securities, where the applicant alleges that the purpose of making such application is to enable it to file a petition under the provisions of this

bill. The public interest in the proceeding is protected by the finding of the Commission, after hearing, that the issuance or modification of securities as proposed conforms to section 20a. The private rights of creditors and stockholders are protected in the proceeding conducted by the three-judge court, and by its findings as required by section 725 of the bill. Moreover, the plan of adjustment approved by the three-judge court may contain appropriate provisions for the safeguarding of the interests of creditors and others affected by the plan "in all matters of the petitioner's financial policy and operation."

The bill provides that the plan shall be confirmed by the court within 1 year from the date of filing the petition, unless for good cause shown, further delay is found to be justifiable. Parties in interest may intervene, and any holder of securities or stock of the railroad is given the right to present evidence and be heard. Allowance of reasonable expenses is authorized to be paid to intervenors whose proposed modifications are adopted and found to be beneficial to the petitioner or to any class of creditors or to be in the public interest. During the pendency of the proceeding, the petitioning railroad must continue to make payments to all creditors affected by the plan of obligations currently payable and equal to the amounts proposed to be paid under the plan, thereby preventing the discontinuance of interest payments, etc., as would be the case if the petition were filed in accordance with section 77 of the Bankruptcy Act, or in equity. Prompt review of the decision of the three-judge court is authorized by certiorari to the United States Supreme Court.

Equipment trust certificates, taxes, operating expenses, wages, employment contracts, unliquidated claims, and other similar obligations are not affected by the plan of adjustment.

The bill is not intended as an amendment of or a substitute for section 77 of the Bankruptcy Act. Section 77 is a comprehensive reorganization statute which codifies equity procedure in large measure, and avails itself of the bankruptcy power to the end that railroad reorganizations, as extensive as the necessities may require, can be effective. The pending bill makes no provision for trustees, counsel, or committees; contemplates that the debtor shall continue to operate its property; and enables the debtor and it creditors to agree upon a plan providing for adjustments of the maturities of interest and principal. No provision is made for involuntary proceedings or for the presentation of alternative plans by the respective stockholder or creditor interests as in section 77.

It is not contemplated that any plan of adjustment can be approved by the court for railroad companies where the continued participation of stockholders in the company can be maintained only at the sacrifice of substantive rights of creditors. The bill provides that the plan must conform to the requirements of the law of the land with reference to the participation of stockholders and creditors, and this provision has been interpreted to require that the plan must conform to the principles of *Northern Pacific Railway Co.* v. *Boyd* (228 U. S. 482). It was clearly shown at the hearing, however, that, regardless of this limitation, the original chapter XV had provided relief to an important group of railroad companies, which were not in need of radical reorganization, by enabling them to effect desirable adjustments with their creditors without going into bankruptcy or equity receivership. It was also shown that this bill, if passed by Congress, will provide similar relief to other important railroads confronted with a situation similar to that of the roads helped by the original chapter XV.

Where a railroad company is so burdened with a heavy capital structure that it is in need of thoroughgoing reorganization, it is not in the public interest, nor even, except temporarily, in the interest of the company itself, that such a reorganization be postponed. It is not the intention that this legislation afford a means of avoiding reorganizations in such cases. On the other hand, where a railroad company is not in need of complete reorganization, but is in need of temporary relief only, it is not good public policy to force such a company to enter an equity receivership or bankruptcy when such drastic action can be avoided by legislation that will afford appropriate relief. Experience has shown that when a railroad enters bankruptcy or an equity receivership, it generally suffers great damage through the break-down of the morale of its forces, the interference with or displacement of its management and its employees, the burden of unavoidable expenses of the reorganization litigation, and the blow to its credit. It is manifestly in the interest of all concerned to avoid these losses and experience under the original chapter XV has shown that these losses can be avoided.

The proposed legislation has the endorsement and approval of railroad owners, railroad employee organizations, railroad management, investors, newspapers, public officials and, it is believed, has the sanction of the public generally.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SERVICE OF CIRCUIT JUDGES WITH THE SUPREME COURT OF HAWAII

The Clerk called the next bill, H. R. 6618, providing for the temporary service of circuit judges with the Supreme Court of Hawaii in case of vacancies in such court.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 82 (relating to the appointment of justices of the Supreme Court of Hawaii, of the act entitled "An act to provide a government for the Supreme Court of Hawaii) of the act entitled is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That whenever a vacancy exists in the office of any of the justices of such court, the remaining justice or justices may from time to time, by written order, call in one or more circuit judges, as the case may be, to sit with the remaining justice or justices in the hearing and determination of such cause or causes or matters as said justice or justices may prescribe in said written order."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBITING THE MAKING OF PHOTOGRAPHS, ETC.

The Clerk called the bill (S. 1707) to prevent the making of photographs and sketches of military or naval reservations, naval vessels, and other naval and military properties, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I reserve the right to object. This bill makes it a criminal offense, subject to a fine of $1,000 and imprisonment of a year, for any person taking a photograph of any military establishment, either Army or Navy, or any military equipment. The result of it is that if any amateur photographer takes a picture of a parade going down Pennsylvania Avenue he might have to pay a fine of $1,000. This is a very drastic sort of measure, recommended by the War Department as essential for the purpose of preventing sabotage and espionage. Apparently it is necessary and is recommended by the Committee on Military Affairs, but as the bill has been reported by the committee, it makes this act permanent, perpetual legislation, which I feel is a great mistake. If no member of the Committee on Military Affairs is present, who has authority to accept an amendment limiting the operation of the act to the duration of the war, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

RENTAL ALLOWANCES FOR OFFICERS WITHOUT DEPENDENTS

The Clerk called the bill (S. 1587) to provide rental allowances for officers without dependents on sea duty when deprived of quarters on board ship.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That hereafter officers of the Navy and Marine Corps on sea duty, who are deprived of their quarters on board ship due to repairs or other conditions which render them uninhabitable, and in cases where the hire of quarters is not practicable, may be reimbursed for expenses incurred in an amount not exceeding their quarters allowance, under such regulations as the Secretary of the Navy may prescribe.

SEC. 2. This act shall apply to officers of the Coast Guard, subject to the regulations prescribed by the Secretary of the Navy when serving under the Navy, and to regulations prescribed by the Secretary of the Treasury when serving under the Treasury Department.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCLUSION OF SERVICE ON ACTIVE DUTY IN COMPUTATION OF PAY, ETC.

The Clerk called the bill (S. 2286) to authorize the inclusion of service on active duty as service on the active list in computation of service of commissioned warrant officers in the Navy for pay purposes.

There being no objection, the Clerk read the bill, as follows

Be it enacted, etc., That, effective from September 8, 1939, for the purpose of determining both active duty and retired pay of commissioned warrant officers of the Navy, including such officers advanced in rank pursuant to the provisions of the act approved June 21, 1930 (46 Stat. 793), the phrase "with creditable records on the active list" appearing in section 1 of the act approved June 10, 1922, as amended (45 Stat. 1187), shall be construed to include, as service on the active list, service on active duty heretofore or hereafter performed subsequent to retirement.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PERSONNEL ASSIGNED TO SUBMARINES

The Clerk called the bill (S. 2455) to amend the act entitled "An act to pro-

vide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty," to include additional pay for diving in depths of less than 90 feet under certain conditions, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty," approved April 9, 1928 (45 Stat. 412), as amended (49 Stat. 1091; 34 U. S. C. 886), be, and the same is hereby, further amended by striking out, in line 20 thereof, the words "as now provided by law" and inserting in lieu thereof the words "as now or hereafter provided by law"; and by striking out the proviso therein and inserting in lieu thereof a proviso to read as follows: "*Provided*, That divers employed in actual salvage or repair operations in depths of over 90 feet, or in depths of less than 90 feet when the officer in charge of the salvage or repair operation shall find in accordance with instructions prescribed by the Secretary of the Navy that extraordinary hazardous conditions exist, shall, in addition to the foregoing, receive the sum of $5 per hour for each hour or fraction thereof so employed."

With the following committee amendment:

Page 2, line 3, strike out "divers employed" and insert "officers and enlisted men employed as divers."

The committee amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AWARD OF MEDALS, NAVY CROSSES, ETC.

The Clerk called the bill (S. 2456) to amend the act approved February 4, 1919 (40 Stat. 1056), entitled "An act to provide for the award of medals of honor, distinguished-service medals, and Navy crosses, and for other purposes," so as to change the conditions for the award of medals, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I reserve the right to object. In furtherance of the request previously made in connection with the Military Affairs Committee, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

VESSELS OF CANADIAN REGISTRY TO TRANSPORT IRON ORE

The Clerk called the bill (H. R. 7100) to amend the act entitled "An act authorizing vessels of Canadian registry to transport iron ore on the Great Lakes during 1942," approved January 27, 1942 (Public Law 416, 77th Cong.), to continue it in force during the existing war.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the act entitled "An act authorizing vessels of Canadian registry to transport iron ore on the Great Lakes during 1942," approved January 27, 1942 (Public Law 416, 77th Cong.), is amended to read as follows:

"That by reason of emergency conditions in transportation on the Great Lakes, notwithstanding the provisions of section 27 of the act of Congress approved June 5, 1920 (41 Stat. 999), as amended by act of Congress approved April 11, 1935 (49 Stat. 154), and by act of Congress approved July 2, 1935 (49 Stat. 442), or the provisions of any other act of Congress or regulation, vessels of Canadian registry shall be permitted to transport iron ore between United States ports on the Great Lakes during the continuance of the present war and for 6 months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGEPORT IRRIGATION DISTRICT

The Clerk called the bill (H. R. 6904) for the relief of the Bridgeport Irrigation District.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. KEAN. Mr. Speaker, I reserve the right to object. I have one or two questions I wanted to ask of the author of the bill. In his absence I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AMERICAN WAR MOTHERS

The Clerk called the bill (H. R. 6401) for the incorporation of American War Mothers, as amended, and matters relating thereto.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I reserve the right to object, to inquire of the author of the bill as to his interpretation of the expression that this bill makes eligible for membership in the American War Mothers organization mothers of sons serving in this war.

The period of inauguration of this war has been given as December 7, 1941, and the ending period has been described as "until the termination of said war." May I inquire of the gentleman, What is his interpretation of that expression? When does the war terminate?

Mr. SPRINGER. Mr. Speaker, my interpretation of that is when war actually ends and when there are no further casualties, or at the time when the President or the Congress declares that the war has actually ended.

Mr. COLE of New York. The gentleman does not intend that the termination takes place at the time of the signing of the peace treaty, then?

Mr. SPRINGER. I would think it is when fighting ceases.

Mr. COLE of New York. When the suspension of hostilities takes place, by mutual agreement between the opposing parties?

Mr. SPRINGER. Probably not by mutual agreement, but when they actually end.

Mr. COLE of New York. In the nature of an armistice at least?

Mr. SPRINGER. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 97, chapter 7, title 36, of the Code of Laws of the United States of America, 1934 edition, be amended and is amended as follows:

"That the membership of American War Mothers is limited to women, and no woman shall be and become a member of this corporation unless she is a citizen of the United States and unless her son or sons or daughter or daughters of her blood served in the Army or Navy of the United States, or in the military or naval service of its Allies, in the great World War of 1917–18, at some time during the period between April 6, 1917, and November 11, 1918, or in the present World War which commenced in the year 1941, and at some time on and after December 7, 1941, and until the termination of said war, having an honorable discharge from such service, or who is still in the service."

With the following committee amendment:

Page 1, strike out lines 3 to 5, inclusive, and insert "That section 7 of the act entitled 'An act to incorporate the American War Mothers,' approved February 24, 1925 (43 Stat. 966; title 36, sec. 97, U. S. C., 1940 ed.), be amended to read as follows:"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to amend section 7 of the act entitled 'An act to incorporate the American War Mothers,' approved February 24, 1925 (43 Stat. 966; title 36, sec. 97, U. S. C., 1940 ed.)."

AMENDING NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 5569, to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CLAIMS AGAINST THE GOVERNMENT OF MEXICO

The Clerk called the next bill, H. R. 7096, to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEAM. Mr. Speaker, I object to the present consideration of the bill.

INTERSTATE COMMERCE IN PETROLEUM AND ITS PRODUCTS

The Clerk called the next bill, S. 2066, to make permanently effective the act regulating interstate and foreign commerce in petroleum and its products.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill makes permanent what has heretofore been temporary legislation. I would like to inquire of the chairman of the committee if the bill was reported unanimously by his committee.

Mr. KELLY of Illinois. Mr. Speaker, it was reported unanimously by the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935 (49 Stat. 30), as amended, is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TITLE 9, UNITED STATES CODE

The Clerk called the next bill, H. R. 7112, to codify and enact into absolute law title 9 of the United States Code, entitled "Arbitration."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'HARA. Mr. Speaker, reserving the right to object, will the author please explain the bill?

Mr. KEOGH. Mr. Speaker, the same observation I made with reference to H. R. 4280 will apply to this bill. We have taken title 9 of the United States Code as it stands now, making absolutely no substantive change in the law, and we are enacting that title into positive and absolute law. If in the future anyone should seek to add a new section or amend the existing section of title 9, it may be drawn in title and section language. We might possibly adopt the practice of italicizing the new and amendatory matter and bracketing the deleted portions, so that when one looks at a bill as introduced he knows what effect it will have on existing law and will not have to wait as we do now until we get the report.

Mr. O'HARA. This is purely a codification of previous acts of Congress?

Mr. KEOGH. Exactly, just as the law stands now, with no change at all.

The SPEAKER pro tempore. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 9 of the United States Code, entitled "Arbitration," is codified and enacted into absolute law, as follows:

"TITLE 9—ARBITRATION

"Sec. 1. Maritime transactions and commerce defined; exceptions to operation of title.

"Sec. 2. Validity, irrevocability, and enforcement of agreements to arbitrate.

"Sec. 3. Stay of proceedings where issue therein referable to arbitration.

"Sec. 4. Failure, and so forth, to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination.

"Sec. 5. Appointment of arbitrators or umpire.

"Sec. 6. Application heard as motion.

"Sec. 7. Witnesses before arbitrators; fees; compelling attendance.

"Sec. 8. Proceedings begun by libel in admiralty and seizure of vessel or property.

"Sec. 9. Award of arbitrators; confirmation; jurisdiction; procedure.

"Sec. 10. Same; vacation; grounds; rehearing.

"Sec. 11. Same; modification or correction; grounds; order.

"Sec. 12. Notice of motions to vacate or modify; service; stay of proceedings.

"Sec. 13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement.

"Sec. 14 Contracts not affected.

"'MARITIME TRANSACTIONS' AND 'COMMERCE' DEFINED; EXCEPTIONS TO OPERATION OF TITLE

"SECTION 1. 'Maritime transactions,' as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; 'commerce', as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

"VALIDITY, IRREVOCABILITY, AND ENFORCEMENT OF AGREEMENTS TO ARBITRATE

"SEC. 2. A written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

"STAY OF PROCEEDINGS WHERE ISSUE THEREIN REFERABLE TO ARBITRATION

"SEC. 3. If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

"FAILURE, AND SO FORTH, TO ARBITRATE UNDER AGREEMENT; PETITION TO UNITED STATES COURT HAVING JURISDICTION FOR ORDER TO COMPEL ARBITRATION; NOTICE AND SERVICE THEREOF; HEARING AND DETERMINATION

"SEC. 4. A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the judicial code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hearing and proceedings, under such agreement, shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

"APPOINTMENT OF ARBITRATORS OR UMPIRE

"SEC. 5. If in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

"APPLICATION HEARD AS MOTION

"SEC. 6. Any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

"WITNESSES BEFORE ARBITRATORS; FEES; COMPELLING ATTENDANCE

"SEC. 7. The arbitrators selected, either as prescribed in this title or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpenas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner provided on February 12, 1925, for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

"PROCEEDINGS BEGUN BY LIBEL IN ADMIRALTY AND SEIZURE OF VESSEL OR PROPERTY

"SEC. 8. If the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award.

"AWARD OF ARBITRATORS; CONFIRMATION; JURISDICTION; PROCEDURE

"SEC. 9. If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within 1 year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

"SAME; VACATION; GROUNDS; REHEARING

"SEC. 10. In either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

"(a) Where the award was procured by corruption, fraud, or undue means.

"(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

"(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

"(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

"(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

"SAME; MODIFICATION OR CORRECTION; GROUNDS; ORDER

"SEC. 11. In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

"(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

"(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.

"(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

"The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

"NOTICE OF MOTIONS TO VACATE OR MODIFY; SERVICE; STAY OF PROCEEDINGS

"SEC. 12. Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within 3 months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

"PAPERS FILED WITH ORDER ON MOTIONS; JUDGMENT; DOCKETING; FORCE AND EFFECT; ENFORCEMENT

"SEC. 13. The party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

"(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

"(b) The award.

"(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

"The judgment shall be docketed as if it was rendered in an action.

"The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

"CONTRACTS NOT AFFECTED

"SEC. 14. This title shall not apply to contracts made prior to January 1, 1926."

SEC. 2. The sections or parts thereof of the Statutes at Large covering provisions codified in this act, insofar as such provisions appear in title 9, United States Code and supplements thereto, as shown by the appended table, are hereby repealed: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

STATUTES AT LARGE

	Title 9, United States Code, section
Feb. 12, 1925, ch. 213, sec. 1, 43 Stat. 883	1
Feb. 12, 1925, ch. 213, sec. 2, 43 Stat. 883	2
Feb. 12, 1925, ch. 213, sec. 3, 43 Stat. 883	3
Feb. 12, 1925, ch. 213, sec. 4, 43 Stat. 883	4
Feb. 12, 1925, ch. 213, sec. 5, 43 Stat. 884	5
Feb. 12, 1925, ch. 213, sec. 6, 43 Stat. 884	6
Feb. 12, 1925, ch. 213, sec. 7, 43 Stat. 884	7
Feb. 12, 1925, ch. 213, sec. 8, 43 Stat. 884	8
Feb. 12, 1925, ch. 213, sec. 9, 43 Stat. 885	9
Feb. 12, 1925, ch. 213, sec. 10, 43 Stat. 885	10
Feb. 12, 1925, ch. 213, sec. 11, 43 Stat. 885	11
Feb. 12, 1925, ch. 213, sec. 12, 43 Stat. 885	12
Feb. 12, 1925, ch. 213, sec. 13, 43 Stat. 886	13
Feb. 12, 1925, ch. 213, sec. 14, 43 Stat. 886	14
Feb. 12, 1925, ch. 213, sec. 15, 43 Stat. 886	15

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CODIFICATION OF TITLE 4 OF UNITED STATES CODE

The Clerk called the next bill (H. R. 7113), to codify and enact into absolute law title 4 of the United States Code, entitled "Flag and seal, seat of government, and the States."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEOGH. Mr. Speaker, reserving the right to object, to propound, if I may, a unanimous consent request.

On page 14 of the bill in the listing of the statutes at large affected by this codification, the printer in printing the bill omitted to strike out "(1)" in the second line of the tabulation. On next to the last line he inserted "(a) 16" after "1126," instead of before it, although it is shown clearly in the report that that is the way it should be.

I ask unanimous consent that the Clerk may make that correction in the bill.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 4 of the United States Code, entitled "Flag and seal, seat of government, and the States," is codified and enacted into absolute law, as follows:

"TITLE 4—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

"Sec. 1. Flag; stripes and stars on.

"Sec. 2. Same; additional stars.

"Sec. 3. Use of flag for advertising purposes; mutilation of flag.
"Sec. 4. Seal of United States.
"Sec. 5. Same; custody and use of.
"Sec. 6. Permanent seat of government.
"Sec. 7. Public offices; at seat of government.
"Sec. 8. Same; removal from seat of government.
"Sec. 9. Oath by members of legislatures and officers.
"Sec. 10. Same; by whom administered.
"Sec. 11. Assent to purchase of lands for forts.
"Sec. 12. Tax on motor fuel sold on military or other reservations; reports to State taxing authority.
"Sec. 13. State, etc., taxation affecting Federal areas; sales or use tax.
"Sec. 14. Same; income tax.
"Sec. 15. Same; exception of United States, its instrumentalities, and authorized purchasers therefrom.
"Sec. 16. Same; jurisdiction of United States over Federal areas unaffected.
"Sec. 17. Same; exception of Indians.
"Sec. 18. Same; definitions.

"FLAGS; STRIPES AND STARS ON

"SECTION 1. The flag of the United States shall be 13 horizontal stripes, alternate red and white; and the union of the flag shall be 48 stars, white in a blue field.

"SAME; ADDITIONAL STARS

"SEC. 2. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

"USE OF FLAG FOR ADVERTISING PURPOSES; MUTILATION OF FLAG

"SEC. 3. Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100 or by imprisonment for not more than 30 days, or both, in the discretion of the court. The words 'flag, standard, colors, or ensign', as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

"SEAL OF THE UNITED STATES

"SEC. 4. The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

"SAME; CUSTODY AND USE OF

"SEC. 5. The Secretary of State shall have the custody and charge of such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor.

"PERMANENT SEAT OF GOVERNMENT

"SEC. 6. All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States.

"PUBLIC OFFICES; AT SEAT OF GOVERNMENT

"SEC. 7. All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

"SAME; REMOVAL FROM SEAT OF GOVERNMENT

"SEC. 8. In case of the prevalence of a contagious or epidemic disease at the seat of government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business.

"OATH BY MEMBERS OF LEGISLATURES AND OFFICERS

"SEC. 9. Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: 'I, A B, do solemnly swear that I will support the Constitution of the United States.'

"SAME; BY WHOM ADMINISTERED

"SEC. 10. Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner, as by the law of the State, he is directed to record or certify the oath of office.

"ASSENT TO PURCHASE OF LANDS FOR FORTS

"SEC. 11. The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, without such consent having been obtained.

"TAX ON MOTOR FUEL SOLD ON MILITARY OR OTHER RESERVATION REPORTS TO STATE TAXING AUTHORITY

"SEC. 12. (a) All taxes levied by any State, Territory, or the District of Columbia upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor-vehicle fuels may be levied, in the same manner and to the same extent, with respect to such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the State, Territory, or the District of Columbia, within whose borders the reservation affected may be located.

"(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory, or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel with respect to which taxes are payable under subsection (a) for the preceding month.

"STATE, ETC., TAXATION AFFECTING FEDERAL AREAS; SALES OR USE TAX

"SEC. 13. (a) No person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

"(b)) The provisions of subsection (a) shall be applicable only with respect to sales or purchases made, receipts from sales received, or storage or use occurring, after December 31, 1940.

"SAME; INCOME TAX

"SEC. 14. (a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

"(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940.

"SAME; EXCEPTION OF UNITED STATES, ITS INSTRUMENTALITIES, AND AUTHORIZED PURCHASES THEREFROM

"SEC. 15. (a) The provisions of sections 13 and 14 of this title shall not be deemed to authorize the levy or collection of any tax on or from the United States or any instrumentality thereof, or the levy or collection of any tax with respect to sale, purchase, storage, or use of tangible personal property sold by the United States or any instrumentality thereof to any authorized purchaser.

"(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of Army or Navy Personnel under regulations promulgated by the Secretary of War or the Secretary of the Navy.

"SAME; JURISDICTION OF UNITED STATES OVER FEDERAL AREAS UNAFFECTED

"SEC. 16. The provisions of sections 13 to 18 of this title shall not for the purposes of any other provision of law be deemed to deprive the United States of exclusive jurisdiction over any Federal area over which it would otherwise have exclusive jurisdiction or to limit the jurisdiction of the United States over any Federal area.

"SAME; EXCEPTION OF INDIANS

"SEC. 17. Nothing in sections 13 and 14 of this title shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed.

"SAME; DEFINITIONS

"SEC. 18. As used in sections 13–17 of this title—

"(a) The term 'person' shall have the meaning assigned to it in section 3797 of title 26.

"(b) The term 'sales or use tax' means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of section 12 of this title are applicable.

"(c) The term 'income tax' means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

"(d) The term 'State' includes any Territory or possession of the United States.

"(e) The term 'Federal area' means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State."

SEC. 2. The sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this act are hereby repealed insofar as such provisions appear in title 4, United States Code, 1940 edition, and supplements thereto, as shown by the appended table: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

STATUTES AT LARGE OR REVISED STATUTES	*Title 4, United States Code, section*
R. S., secs. 1791, 1792	1
R. S., sec. 1792	2
Feb. 8, 1917, ch. 34, 39 Stat. 900	3
R. S., sec. 1793	4
R. S., secs. 203, 1794	5
R. S. sec. 1795	6
R. S., sec. 1796	7
R. S., sec. 4798	8
R. S., sec. 1836	9
R. S., sec. 1837	10
R. S., sec. 1838	11
June 16, 1936, ch. 582, sec. 10, 49 Stat. 1521; Oct. 9, 1940, ch. 787, sec. 7, 54 Stat. 1060	12
Oct. 9, 1940, ch. 787, sec. 1, 54 Stat. 1059	13
Oct. 9, 1940, ch. 787, sec. 2, 54 Stat. 1060	14
Oct. 9, 1940, ch. 787, sec. 3, 54 Stat. 1060	15
Oct. 9, 1940, ch. 787, sec. 4, 54 Stat. 1060	16
Oct. 9, 1940, ch. 787, sec. 5, 54 Stat. 1060	17
Oct. 9, 1940, ch. 787, sec. 6, 54 Stat. 1060	18

With the following committee amendment:

Page 11, line 5, after "203", insert "first clause."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OFFICIAL AND PENAL BONDS—CODIFICATION OF TITLE VI OF THE UNITED STATES CODE

The Clerk called the next bill, H. R. 7120, to codify and enact into absolute law title VI of the United States Code, entitled "Official and Penal Bonds."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 6 of the United States Code, entitled "Official and Penal Bonds," is codified and enacted into absolute law, as follows:

"TITLE 6—OFFICIAL AND PENAL BONDS

"CUSTODY

"SEC. 1. All bonds of the Treasurer of the United States, collectors of internal revenue, collectors, comptrollers of customs, surveyors, and other officers of the customs, either as such officers or as disbursing officers of the Treasury, bonds of the Secretary of the Senate, Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, shall be placed in the custody of the Secretary of the Treasury and filed as he may direct; and the duties required by law on March 2, 1895, of the Comptroller of the Treasury in regard to such bonds, as the successor of the Commissioner of Customs and First Comptroller of the Treasury, shall be performed by the Secretary of the Treasury.

"EXAMINATION AS TO SUFFICIENCY OF SURETIES

"SEC. 2. Every officer required by law to take and approve official bonds shall cause the same to be examined at least once every 2 years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in 2 years and as much oftener as he may deem it necessary.

"RENEWAL; CONTINUANCE OF LIABILITY

"SEC. 3. Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every 4 years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a 4-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of section 1 to 3 of this title, or of that part of section 27 of title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in said sections shall be construed to repeal or modify section 38 of title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1 to 3 of this title.

"NOTICE OF DELINQUENCY OF PRINCIPAL

"SEC. 4. Whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, D. C., addressed to said sureties, respectively, and directed to the respective post offices where said obligor may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.

"LIMITATION OF ACTIONS AGAINST SURETIES

"SEC. 5. If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within 5 years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

"SURETY COMPANIES AS SURETIES

"SEC. 6. Whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings. Such recognizance, stipulation, bond, or undertaking shall be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same. No officer or person having the approval of any bond shall exact that it shall be furnished by a guaranty company or by any particular guaranty company.

"SAME; APPOINTMENT OF AGENTS; SERVICE OF PROCESS

"SEC. 7. No such company shall do business under the provisions of sections 6 to 13 of this title beyond the limits of the State or Territory under whose laws it was incorporated and in which its principal office is located, nor beyond the limits of the District of Columbia, when such company was incorporated under its laws or the laws of the United States and its principal office is located in said District, until it shall by a written power of attorney appoint some person residing within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, who shall be a citizen of the State, Territory, or District of Columbia, wherein such court is held, as its agent, upon whom may be served all lawful process against such company, and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney duly certified and authenticated, shall be filed with the clerk of the district court of the United States for such district at each place where a term of such court is or may be held, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under sections 6 to 13 of this title. If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of

such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to the company, and state such fact in his return. A judgment, decree, or order of a court entered or made after service of process as aforesaid shall be as valid and binding on such company as if served with process in said district.

"SAME; DEPOSIT OF COPY OF CHARTER

"SEC. 8. Every company, before transacting any business under sections 6 to 13 of this title, shall deposit with the Secretary of the Treasury of the United States a copy of its charter or articles of incorporation, and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the said Secretary of the Treasury shall be satisfied that such company has authority under its charter to do the business provided for in sections 6 to 13 of this title, and that it has a paid-up capital of not less than $250,000, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under sections 6 to 13 of this title.

"SAME; QUARTERLY STATEMENTS

"SEC. 9. Every such company shall, in the months of January, April, July, and October of each year, file with the said Secretary of the Treasury a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section 8 of this title. The said Secretary of the Treasury shall have the power, and it shall be his duty to revoke the authority of any such company to transact any new business under sections 6 to 13 of this title whenever in his judgment such company is not solvent or is conducting its business in violation of sections 6 to 13 of this title. He may institute inquiry at any time into the solvency of said company and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security.

"SAME; JURISDICTION OF SUITS ON BONDS

"SEC. 10. Any surety company doing business under the provisions of sections 6 to 13 of this title may be sued in respect thereof in any court of the United States which has or may have jurisdiction of actions or suits upon such recognizance, stipulation, bond, or undertaking, in the district in which such recognizance, stipulation, bond, or undertaking was made or guaranteed, or in the district in which the principal office of such company is located. For the purposes of sections 6 to 13 of this title such recognizance, stipulation, bond, or undertaking shall be treated as made or guaranteed in the district in which the office is located, to which it is returnable, or in which it is filed, or in the district in which the principal in such recognizance, stipulation, bond, or undertaking resided when it was made or guaranteed.

"SAME; NONPAYMENT OF JUDGMENT

"SEC. 11. If any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond, or undertaking made or guaranteed by it under the provisions of sections 6 to 13 of this title, from which no appeal or supersedeas has been taken, for 30 days after the rendition of such judgment or decree, it shall forfeit all right to do business under sections 6 to 13 of this title.

"SAME; ESTOPPEL TO DENY CORPORATE POWERS

"SEC. 12. Any company which shall execute or guarantee any recognizance, stipulation, bond, or undertaking under the provisions of sections 6 to 13 of this title shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute or guarantee such instrument or assume such liability.

"SAME; FAILURE TO COMPLY WITH LAW

"SEC. 13. Any company doing business under the provisions of sections 6 to 13 of this title which shall fail to comply with any of its provisions shall forfeit to the United States for every such failure not less than $500 nor more than $5,000, to be recovered by suit in the name of the United States in the same courts in which suit may be brought against such company under the provisions of sections 6 to 13 of this title, and such failure shall not affect the validity of any contract entered into by such company.

"RATE OF PREMIUM ON BOND; PREMIUMS NOT TO BE PAID BY UNITED STATES

"SEC. 14. Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than 35 percent in excess of the rate of premium charged for a like bond during the calendar year 1908. The United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States.

"BONDS OR NOTES OF UNITED STATES IN LIEU OF RECOGNIZANCE, STIPULATION, BOND, GUARANTY, OR UNDERTAKING; PLACE OF DEPOSIT; RETURN TO DEPOSITOR; CONTRACTORS' BONDS

"SEC. 15. Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called 'penal bond', with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, postoffice money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder, and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal Reserve bank, or other depositary duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor. In case a person or persons supplying a contractor with labor or material as provided by section 270 of title 40 shall file with the obligee, at any time after a default in the performance of any contract subject to said section 270, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said section 270 for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof. Nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said section 270 or by this section to the United States for default upon any obligation of said penal bond. All laws inconsistent with this section are hereby so modified as to conform to the provisions hereof. Nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect. The term 'person' in this section means an individual, a trust or estate, a partnership, or a corporation; the term 'Secretary' means the Secretary of the Treasury. In order to avoid the frequent substitution of securities such rules and regulations may limit the effect of this section, in appropriate classes of cases, to bonds and notes of the United States maturing more than a year after the date of deposit of such bonds as security. The phrase 'bonds or notes of the United States' shall be deemed, for the purposes of this section, to mean any public-debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States."

SEC. 2. The sections or parts thereof of the Statutes at Large covering provisions codified in this act, insofar as such provisions appear in title 6, United States Code, 1940 edition, and supplements thereto, as shown by the appended table, are hereby repealed: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

STATUTES AT LARGE

	Title 6, United States Code, section
Mar. 2, 1895, ch. 177, sec. 5, 28 Stat. 807; June 17, 1930, ch. 497, secs. 523, 651 (a) (1), 46 Stat. 740, 762	1
Mar. 2, 1895, ch. 177, sec. 5, 28 Stat 807	2
Mar. 2, 1895, ch. 177, sec. 5, 28 Stat. 807; Mar. 8, 1928, ch. 148, 45 Stat. 247	3
Aug. 8, 1888, ch. 787, sec. 1, 25 Stat. 387	4
Aug. 8, 1888, ch. 787, sec. 2, 25 Stat. 387; June 10, 1921, ch. 18, sec. 301, 42 Stat. 23	5
Aug. 13, 1894, ch. 282, sec. 1, 28 Stat. 279	6
Aug. 13, 1894, ch. 282, sec. 2, 28 Stat. 279	7
Aug. 13, 1894, ch. 282, sec. 3, 28 Stat. 279; Mar. 23, 1910, ch. 109, 36 Stat. 241	8
Aug. 13, 1894, ch. 282, sec. 4, 28 Stat. 279; Mar. 23, 1910, ch. 109, 36 Stat. 241	9
Aug. 13, 1894, ch. 282, sec. 5, 28 Stat. 280	10
Aug. 13, 1894, ch. 282, sec. 6, 28 Stat. 280; Jan. 31, 1928, ch. 14, sec. 1, 45 Stat. 54	11
Aug. 13, 1894, ch. 282, sec. 7, 28 Stat. 280	12
Aug. 13, 1894, ch. 282, sec. 8, 28 Stat. 280	13
Aug. 5, 1909, ch. 7, 36 Stat. 125	14
Feb. 24, 1919, ch. 18, sec. 1320, 40 Stat. 1148; Nov. 23, 1921, ch. 136, sec. 1329, 42 Stat. 318; June 2, 1924, ch. 234, secs. 2, 1029, 43 Stat. 253; 349; Feb. 26, 1926, ch. 27, secs. 2, 1126, 1200, 44 Stat. 9, 122, 125; Feb. 4, 1935, ch. 5, sec. 7, 49 Stat. 22	15

With the following committee amendments:

The amendments are as follows:

Page 7, line 20, insert before period at end the words "of this title.";

Page 13, line 10:

(Line 1 of tabulation) after "sec. 5" insert "second paragraph"; and at end of line after "523" insert "first paragraph";

(Line 2 of tabulation) strike out "651 (a) (1)" and "762";

(Line 3 of tabulation) after "sec. 5" insert "third paragraph";

(Line 4 of tabulation) after "sec. 5" insert "fourth paragraph";

(Line 7 of tabulation) after semicolon insert "as modified by";

(Line 16 of tabulation) after semicolon insert "as modified by";

(Line 20 of tabulation) after "125" insert "first paragraph under 'Department of Commerce and Labor' ";

(Line 22 of tabulation) strike out all after semicolon;

(Line 23 of tabulation) strike out "349;", "1200", and "125"; and insert after "2"— "(a) (1), (6),".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF SELECTIVE TRAINING AND SERVICE ACT

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that Calendar No. 552, the bill (S. 2368) to amend the joint resolution approved August 27, 1940 (54 Stat. 858), as amended, and the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, so as to remove the requirement that medical statements shall be furnished to those persons performing military service thereunder, which has not been on the calendar the necessary length of time may, nevertheless, be considered at this time.

Mr. KEAN. Mr. Speaker, reserving the right to object, we have had no copies of this bill and do not know what is in it. The unofficial objectors on this committee ordinarily object to the bringing up of bills we have not had time to study.

Is this bill of such extreme urgency that it cannot go over 2 weeks in order to allow us to study it?

Mr. SPARKMAN. I may say to the gentleman from New Jersey that the officials of the War Department and the Selective Service Board are very anxious to have this bill enacted into law. It is a Senate bill and has already passed that body.

The purpose of the bill is to eliminate from the provision of section 3 (a) of the Selective Service and Training Act the compulsory requirement of furnishing the soldier certain medical statements. The health and medical committee which has studied the matter has recommended that this compulsory requirement be taken out, and we are convinced by the hearings held before our committee that as a matter of fact this requirement should be taken out, that the officials ought not to be required to give the medical statements to the persons in question in cases, for instance, involving mental deficiencies, heart disease, cancer, and other malignant conditions. Under the law as it stands at the present time they are required to give these statements. We believe they ought not to be required but that it should be left within the discretion of the medical authorities.

Mr. KEAN. I do not believe there is any such urgency to this bill that it cannot go over for 2 weeks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. KEAN. Mr. Speaker, I object.

PREVENTING THE MAKING OF PHOTOGRAPHS AND SKETCHES OF MILITARY OR NAVAL RESERVATIONS, ETC.

Mr. COLE of New York. Mr. Speaker, before we leave the Consent Calendar, I ask unanimous consent to return to Calendar No. 535, S. 1707, an act to prevent the making of photographs and sketches of military or naval reservations, naval vessels, and other naval and military properties, and for other purposes.

I objected to it when it was reached in its regular order because there was no member of the Committee on Military Affairs on the floor. Since then members of the Military Affairs Committee have come on the floor and have consented to an amendment limiting the effect of the act to the duration of the war. I therefore ask unanimous consent that it may be called up and that the gentleman from New York [Mr. ANDREWS] may offer an amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation, or place used for national defense purposes by the War or Navy Departments, or of any vessel, aircraft, installation, equipment, or other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation or place, or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or repair for or awaiting delivery to the War or Navy Departments or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place, shall be punished as provided herein.

SEC. 2. Notwithstanding the provisions of section 1, the Secretary of War or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby.

SEC. 3. Any person found guilty of a violation of this act shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

SEC. 4. The provisions of this act shall apply in the Philippine Islands as well as in all other places within the territory or jurisdiction of the United States.

Mr. ANDREWS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Page 3, line 10, insert a new section to read as follows:

"This act shall be effective only for the duration of the present war as determined by proclamation of the President."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARKETING QUOTAS FOR PEANUTS

Mr. FULMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7137) to amend the Agricultural Adjustment Act of 1938, as amended, with respect to marketing quotas for peanuts, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, was this bill on the Consent Calendar?

Mr. FULMER. No; this bill was not on the Consent Calendar. I may state to the gentleman from Massachusetts that it was unanimously reported by the Committee on Agriculture, and that it is perfectly satisfactory to the gentleman from Kansas [Mr. HOPE] and others to call it up at this time.

Mr. MARTIN of Massachusetts. I have a rule that I am supposed to have some notice of the calling up of these bills so that I may have the minority member of the committee here. That notice not having been given, and the minority representative not being here, I cannot consent to its consideration at this time.

Mr. FULMER. The gentleman from Georgia [Mr. PACE] went over to speak with the gentleman after speaking with the gentleman from Kansas [Mr. HOPE], but the gentleman happens not to be on the floor at the moment. The gentleman from Georgia [Mr. PACE] is deeply interested in this matter and he spoke with the gentleman from Michigan [Mr. MICHENER], and also the gentleman from Kansas [Mr. HOPE], and it was perfectly satisfactory to them.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what the chairman of the Committee on Agriculture says is correct. The gentleman from Georgia [Mr. PACE] did come over here. I understood the gentleman from Kansas [Mr. HOPE] had no objection, and that he would be on the floor if the bill was called up. I know nothing else about it. However, one Member has just suggested to me that the gentleman from Michigan [Mr. CRAWFORD], who is not present, is very much opposed to the bill.

Mr. PACE. Mr. Speaker, may I say that I spoke to the gentleman from Kansas [Mr. HOPE] about an hour ago and told him that the Speaker had consented that the bill be called up at the completion of the Consent Calendar. The gentleman from Kansas [Mr. HOPE] stated he knew of no objection to the bill. I was not able to see the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I have been on the floor every minute since 12 o'clock.

Mr. PACE. The gentleman was absent for a moment, and in his absence I spoke to the gentleman from Michigan.

Mr. MARTIN of Massachusetts. I have not been absent a single moment. I may have been standing in the cloakroom, but I was not very far away.

Mr. PACE. He escaped my notice at the time. I did want the gentleman to know about it. I spoke to the gentleman from Michigan [Mr. MICHENER]. The bill is not an important piece of legislation. It simply changes some administrative features of the program, and its importance is that the peanut crop is now coming along.

Mr. MARTIN of Massachusetts. What harm would there be if it went over until tomorrow?

Mr. PACE. If we can get permission of the Speaker to call it up tomorrow, no harm would be done.

Mr. MARTIN of Massachusetts. I must insist that the ranking minority member of the committee be present. That is the only way we can have good government. We have to know what this legislation is about, and I think it would be advisable to have it go over.

Mr. PACE. I will be delighted to yield to the gentleman's wishes.

Mr. FULMER. Mr. Speaker, I withdraw the request.

Mr. PACE. Mr. Speaker, the gentleman from Kansas [Mr. HOPE] is now on the floor, and we would like to renew the request made by the gentleman from South Carolina [Mr. FULMER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. PACE]?

Mr. MURRAY. Mr. Speaker, due to the opposition of the gentleman from Michigan [Mr. CRAWFORD], I object.

EXTENSION OF REMARKS

Mr. O'BRIEN of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech delivered by the distinguished head of the Federal Bureau of Investigation, J. Edgar Hoover, at St. Johns University Law School, Brooklyn, N. Y., on June 11, 1942.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. O'BRIEN]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. VAN ZANDT] have permission to extend his own remarks in the RECORD and to include an address delivered by him.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend three separate radio speeches of mine in the RECORD, under dates of May 31, June 7, and June 12.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. BRADLEY]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, may I ask unanimous consent that those who have special orders yield me 3 minutes in order to bring up a resolution that I have?

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

Mr. MARTIN J. KENNEDY. Mr. Speaker, reserving the right to object, I did not hear the request.

Mrs. ROGERS of Massachusetts. Will the gentlemen who have special orders yield me 3 minutes in order to bring up a resolution that I have here?

The SPEAKER pro tempore. Has the gentlewoman consulted with the Speaker in reference to this matter?

Mrs. ROGERS of Massachusetts. No; I have not.

The SPEAKER pro tempore. Then the gentlewoman from Massachusetts cannot be recognized at this time.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from the president of the Michigan College of Mining and Technology.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOOK]?

There was no objection.

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. CANFIELD]?

There was no objection.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from a soldier to his father.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee [Mr. PRIEST]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have today introduced the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States of America views with horror and abhorrence the vicious mass revenge murders now being inflicted upon the innocent peoples of conquered Europe by a barbarous and brutal enemy; and be it further

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States of America deplores the atrocities and persecutions inflicted upon the heroic people of the Kingdom of Greece and upon the peoples of other countries by the inhuman war lords of the Axis Powers; and the Congress of the United States of America extends to those unfortunate and long-suffering peoples its deep and profound sympathy and pledges its support to measures substantially to relieve and ameliorate their condition and to restore to them the freedom and independence they enjoyed before being ruthlessly wrested from them by conscienceless and soulless aggressors.

Mr. Speaker, we have just heard the splendid and inspiring address delivered by the able and gallant King of Greece, the King of the armies of Greece and the King of the country which is giving all it has in order that the peoples of the world may be free, may have an opportunity to worship God as they see fit, and may have freedom of action in their government and freedom in every way. I believe no Member of Congress or any other person here today listened to that address without great emotion. The Congress views with abhorrence the vicious mass revenge murders now being inflicted upon perfectly innocent peoples of conquered Europe and Asia by a brutal and barbarous enemy. I have visited Greece and as the great soldier King addressed the Congress the glories of that country and the courage and valor of her soldiers were vividly in my mind. Mr. Speaker, I had hoped that this resolution could be taken up today and acted upon. I am sorry the House is going to adjourn so soon. I believe that within a day or two this resolution will be passed. I believe this resolution of sympathy and assistance will give heart to the nations, particularly the smaller nations, who have been gallantly fighting, and will give them a hope and assistance that will enable them to win freedom for all time.

[Here the gavel fell.]

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7036. An act to authorize the attendance of the Marine Band at the fifty-second annual reunion of the United Confederate Veterans, to be held at Chattanooga, Tenn., June 23 to 26, inclusive, 1942.

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 2285. An act to provide for the retirement, with advanced rank, of certain officers of the Navy;

S. 2025. An act to readjust the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2427. An act to amend the act relating to preventing the publication of inventions in the national interest, and for other purposes;

S. 2496. An act to authorize the construction or acquisition of additional naval aircraft, and for other purposes; and

S. J. Res. 130. A joint resolution to extend certain emergency laws relating to the merchant marine, and for other purposes.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 16, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the committee at 10 a. m. on Tuesday, June 16, 1942, for consideration of war housing, room 1324, House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, June 16, 1942.

Business to be considered: H. R. 7002, to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, June 17, 1942.

Business to be considered: Hearing on Federal Communications Commission.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 2 p. m., Wednesday, June 17, 1942.

Business to be considered: Hearings on H. R. 7212, a bill to amend section 13 (d) of the Railroad Unemployment Insurance Act.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1750. A communication from the President of the United States, transmitting four supplemental estimates of appropriations for the fiscal year 1943 for the Department of Commerce (Office of Administrator of Civil Aeronautics), amounting to $4,945,175 (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

1751. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment, United States Senate, for the fiscal year 1942, amounting to $50,000 (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

1752. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the emergency fund for the President amounting to $100,000,000 (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

1753. A letter from the Administrator, War Shipping Administration, transmitting a report of action taken under section 217 (b) of the Merchant Marine Act, 1936, as amended (Public, No. 498, 77th Cong.); to the Committee on the Merchant Marine and Fisheries.

1754. A letter from the Department of the Secretary of Hawaii, transmitting copy of the laws enacted by the Legislature of the Territory of Hawaii, special session of 1941; to the Committee on the Territories.

1755. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill to provide for reciprocal privileges with respect to the filing of applications for patents for inventions, and for other purposes; to the Committee on Patents.

1756. A letter from the Secretary of the Interior, transmitting herewith, pursuant to the act of June 22, 1936 (49 Stat. 1803), a report dated November 30, 1939, of economic conditions affecting certain lands of the irrigation project under the jurisdiction of the Oroville-Tonasket irrigation district in the State of Washington; also a draft of bill to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 7160. A bill to provide for the better administration of officer personnel of the Navy during the existing war, and for other purposes; with amendment (Rept. No. 2238). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURCH: Committee on the Post Office and Post Roads. S. 337. An act to provide for a permanent postage rate of 1½ cents per pound on books; with amendment (Rept. No. 2239). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 1957. An act to establish the naval procurement fund, and for other purposes; with amendment (Rept. No. 2240). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN:

H. R. 7230. A bill authorizing the issuance of certificates of indebtedness to the Federal reserve banks, for financing the national defense, and for other purposes; to the Committee on Ways and Means.

By Mr. COFFEE of Washington:

H. J. Res. 326. Joint resolution to create a commission on tax integration, and for other purposes; to the Committee on Rules.

By Mrs. ROGERS of Massachusetts:

H. Con. Res. 70. Concurrent resolution condemning the atrocities inflicted by the Axis Powers upon the subjugated people of Europe and Asia and expressing the sympathy of the Congress to the victims of aggression and pledging the support of the Congress to measures substantially to relieve and redress their wrongs; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3063. By Mr. BLAND: Petition of 47 citizens of Newport News, Va., and adopted by the Orcutt Avenue Baptist Church, of Newport News, Va., urging passage of Senate bill 860, and House bills 4000 and 6785; to the Committee on Military Affairs.

3064. By Mr. GRAHAM: Petition of 120 residents of the city of Butler in the State of Pennsylvania, urging the passage of Senate bill 860, as a contribution to a wholesome defense program and a reenactment of legislation similar to that of 1917 and so give to the young men of 1942 the protection their fathers had in 1917; to the Committee on Military Affairs.

3065. By Mr. HEIDINGER: Petition of Mrs. E C. Jacobs and 38 other residents of Flora, Ill., urging the enactment of Senate bill 860; to the Committee on Military Affairs.

3066. By Mr. LYNCH: Resolution of the Butchers' Union of Greater New York and vicinity, urging increases in pay for postal employees; to the Committee on the Post Office and Post Roads.

3067. By Mr. WOLCOTT: Petition of 223 voters in Macomb and St. Clair Counties, Mich., expressing opposition to proposed legislation to restrict the sale of beer in the vicinity of military camps, etc.; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 16, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, Author of the morning light and Guardian through the darkness, grant us Thy spirit as we go forward to our labors of this day. In that mysterious sense of companionship, which we cannot understand, do Thou stand by a true, wise friend to help us in that faith which alone leads to victory in Christ Jesus, in whom are embodied all the sanctities and sufferings of humanity.

Almighty God, we pray with high resolution that we may reverence the conscience as king; may strive in all righteous ways to redress human wrongs; speak no evil and honor our words; lead good lives and live in chastity; teach by wholesome example in our daily conduct; be courteous to all, loving the truth, despising the false, and discovering that the core of human life is good and under Divine guidance is destined to become better. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 780. An act for the relief of Harvey C. Artis;

H. R. 1349. An act for the relief of Annie Brown;

H. R. 2419. An act for the relief of Chan Tsork-ying;

H. R. 3352. An act for the relief of Alice W. Miller;

H. R. 3402. An act for the relief of Catherine R. Johnson;

H. R. 5526. An act for the relief of James E. Savage;

H. R. 5610. An act for the relief of G. H. Condon, M. E. Cannon, W. J. Esterle, C. C. Gasaway, James F. Retallack, and L. G. Yinger;

H. R. 5870. An act to amend section 24 of the Immigration Act of February 5, 1917;

H. R. 5938. An act for the relief of A. H. Larzelere;